# New Brunswick Symposium on Woman Abuse and the Criminal Justice System
## Final Report
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## Volume II
## Speakers Presentations

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This volume contains the actual speeches given in order of presentation at the New Brunswick Provincial Symposium on Woman Abuse and the Criminal Justice System held in Moncton, N.B. from November 7 to 9, 1990.

# PROVINCIAL SYMPOSIUM

# ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM

HOTEL BEAUSEJOUR, MONCTON, N.B.

NOVEMBER 7-9, 1990

## WELCOMING REMARKS

NOVEMBER 7,1990

HONOURABLE CONRAD LANDRY

NEW BRUNSWICK SOLICITOR GENERAL

LADIES AND GENTLEMEN, INVITED GUESTS, BEFORE INTRODUCING THE FIRST GUEST SPEAKER AT THE SYMPOSIUM, I WOULD LIKE TO TAKE THIS OPPORTUNITY AS SOLICITOR GENERAL, TO WELCOME YOU ON BEHALF OF BOTH THE ATTORNEY GENERAL AND MYSELF.

FAMILY VIOLENCE, PARTICULARLY VIOLENCE AGAINST WOMEN, IS ONE OF THE MAJOR SOCIAL ISSUES OF THIS DECADE. THE CRIMINAL JUSTICE SYSTEM MUST PLAY AN ACTIVE ROLE IN RESPONDING TO WOMAN ABUSE. A CONSISTENT APPROACH WHERE GOVERNMENT AND THE COMMUNITY WORK TOGETHER MUST BE UNDERTAKEN TO DEAL EFFECTIVELY WITH THIS PROBLEM.

THE SYMPOSIUM IS A MAJOR STEP IN FOSTERING CO-OPERATION AMONGST PROFESSIONALS AND VOLUNTEERS WHO RESPOND TO INCIDENTS OF WOMAN ABUSE AND IS THE CUMULATION OF EFFORTS UNDERTAKEN TO RESPOND EFFECTIVELY TO INCIDENTS OF WOMAN ABUSE.

I WOULD LIKE TO PARTICULARLY WELCOME THE NON-GOVERNMENT AGENCIES REPRESENTED HERE TODAY AND HOPE THAT THE SYMPOSIUM WILL PROMOTE A MULTI-DISCIPLINARY APPROACH TO DEAL WITH WOMAN ABUSE.

I WOULD ALSO LIKE TO EXPRESS MY APPRECIATION TO THE ORGANIZING COMMITTEE FOR THE PLANNING OF THE SYMPOSIUM AND TO THANK THE FEDERAL GOVERNMENT FOR ITS ASSISTANCE IN SPONSORING THIS IMPORTANT EVENT.

THE SYMPOSIUM IS THE FIRST IN A SERIES OF PROFESSIONAL DEVELOPMENT AND PUBLIC EDUCATION INITIATIVES THAT WILL BE UNDERTAKEN DURING THE NEXT SIX MONTHS TO CONTINUE TO TRAIN PROFESSIONALS TO RESPOND TO THE COMPLEX WOMAN ABUSE ISSUES AND TO EDUCATE SOCIETY AS A WHOLE, SO THAT THE CYCLE OF VIOLENCE CAN BE BROKEN.

IT IS NOW MY PLEASURE TO INTRODUCE OUR FIRST GUEST SPEAKER:

Speech for Delivery by

THE HONOURABLE
FRANK McKENNA
Premier of New Brunswick

# PROVINCIAL SYMPOSIUM ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM

MONCTON, NEW BRUNSWICK

WEDNESDAY, NOVEMBER 7, 1990

**For release:** *Check against delivery*

IT IS MY PLEASURE TO WELCOME YOU THIS MORNING TO THE PROVINCIAL SYMPOSIUM ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM.

VIOLENCE AGAINST WOMEN HAS BEEN RECOGNIZED AS AN IMPORTANT SOCIAL ISSUE IN NEW BRUNSWICK, AS IT HAS BEEN IN THE REST OF CANADA.

ALL GOVERNMENTS ARE ATTEMPTING TO FORMULATE EFFECTIVE RESPONSES TO THIS ISSUE AND I AM PLEASED THAT THE CRIMINAL JUSTICE SYSTEM IN THIS PROVINCE IS PLAYING A LEADING ROLE IN DEVELOPING STRATEGIES AGAINST WOMAN ABUSE.

CRIMINAL LAW IS AN IMPORTANT SYMBOL OF THE VALUES THAT WE HOLD AND THE BEHAVIOUR THAT WE, AS A SOCIETY, WILL TOLERATE.

THE PEOPLE WORKING WITHIN THE CRIMINAL JUSTICE SYSTEM AND THOSE WORKING COLLABORATIVELY WITH IT CAN BE PART OF THE SOLUTION TO THIS PROBLEM WHICH AFFECTS FAMILIES THROUGHOUT CANADA.

FUNDAMENTAL TO SOLVING THE COMPLEX PROBLEM OF ABUSED WOMEN IS A CONCERTED, MULTIDISCIPLINARY APPROACH WHERE PROFESSIONALS FROM MANY FIELDS CAN WORK TOGETHER TO HELP THE VICTIMS AND THE PERPETRATORS OF VIOLENCE. THIS FORUM WILL BEGIN THAT PROCESS.

DURING THESE THREE DAYS, YOU WILL HAVE THE OPPORTUNITY TO ACCOMPLISH TWO MAJOR OBJECTIVES;

- TO COME TO A BETTER UNDERSTANDING OF THE UNDERLYING CAUSES AND DYNAMICS OF WOMAN ABUSE; AND
- TO BEGIN WORKING WITH EACH OTHER SO THAT FEASIBLE AND RELEVANT RESPONSES MAY BE DEVELOPED.

THE IDENTIFICATION OF VIOLENCE AGAINST WOMEN AS A SERIOUS SOCIAL PROBLEM HAS LED THE GOVERNMENT OF NEW BRUNSWICK TO UNDERTAKE SEVERAL INITIATIVES.

BECAUSE WOMEN'S SAFETY MUST BE OF PRIMARY CONCERN, THE GOVERNMENT MADE A COMMITMENT IN THE AGENDA FOR CHANGE TO "PROTECT VICTIMS OF DOMESTIC ABUSE AND VIOLENCE" BY FUNDING TRANSITION HOUSES "IN ALL REGIONS OF THE PROVINCE".

ALONG WITH EXISTING HOUSES IN FREDERICTON, MONCTON, EDMUNDSTON, BATHURST, NEWCASTLE AND ST. STEPHEN, I AM PROUD THAT IN 1990-91 TRANSITION HOUSES IN CAMPBELLTON, WOODSTOCK AND SUSSEX WILL RECEIVE FUNDING.

**AS A DEMONSTRATION OF THE GOVERNMENT'S COMMITMENT TO STRONG POSITIVE ACTION, THE SOLICITOR GENERAL, IN A DECEMBER 1989 LETTER TO ALL CHIEFS OF POLICE, ENCOURAGED NEW BRUNSWICK POLICE TO THOROUGHLY INVESTIGATE ALL CASES OF WOMAN ABUSE AND INDICATED THAT APPROPRIATE CHARGES SHOULD BE LAID WHERE THE EVIDENCE WARRANTS. THIS POLICY REPRESENTS A MAJOR STEP IN COMBATTING WOMAN ABUSE SINCE STUDIES INDICATE THAT A MORE AGGRESSIVE CHARGING POLICY REDUCES THE INCIDENCE OF VIOLENCE. A RECENT STUDY REPORTS THAT WHEN POLICE LAY CHARGES, THE PROBABILITY OF NEW VIOLENT INCIDENTS IS REDUCED BY HALF.**

TO ENSURE THAT THE NUMEROUS GOVERNMENT ACTIONS WITH REGARD TO FAMILY VIOLENCE ARE CO-ORDINATED, AN INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE WAS ESTABLISHED IN SEPTEMBER 1987. THE FOLLOWING DEPARTMENTS ARE REPRESENTED:

HEALTH AND COMMUNITY SERVICES
JUSTICE
SOLICITOR GENERAL
INCOME ASSISTANCE
WOMEN'S DIRECTORATE
EDUCATION
MENTAL HEALTH COMMISSION
N.B. HOUSING
ALCOHOLISM AND DRUG DEPENDENCY COMMISSION
POLICY SECRETARIAT

**THE COMMITTEE'S MANDATE IS TO MONITOR, RECOMMEND AND CO-ORDINATE GOVERNMENT INITIATIVES RELATED TO FAMILY VIOLENCE INCLUDING CHILD ABUSE, WOMAN ABUSE AND ELDER ABUSE. THE COMMITTEE HAS DEVELOPED A FRAMEWORK FOR DELIVERING SERVICES IN WHICH EACH DEPARTMENT'S RESPONSIBILITY FOR ACTIONS HAS BEEN IDENTIFIED. ALL DEPARTMENTAL ACTION PLANS ARE PREPARED BASED ON THIS FRAMEWORK.**

IN ADDITION, A SUB-COMMITTEE OF THIS INTERDEPARTMENTAL COMMITTEE WAS FORMED IN 1988 TO DEVELOP PROTOCOLS TO ASSIST PROFESSIONALS IN THE IDENTIFICATION, TREATMENT AND MANAGEMENT OF CASES OF WOMAN ABUSE. THIS SYMPOSIUM WILL INTRODUCE THESE PROTOCOLS TO THOSE OF YOU WHO WORK IN THE CRIMINAL JUSTICE SYSTEM. IT IS OUR HOPE THAT THESE PROTOCOLS WILL PROVIDE YOU WITH A GREATER UNDERSTANDING OF THE ROLE OF THE VARIOUS PROFESSIONALS INVOLVED WITH CASES OF WOMAN ABUSE AND THEIR RESPONSIBILITIES. THE PROTOCOLS WILL ALSO SERVE TO PROMOTE A TEAM APPROACH IN THE RESPONSE TO INCIDENTS OF WOMAN ABUSE. AS MANY OF YOU ARE AWARE, THIS APPROACH HAS BEEN VERY SUCCESSFUL WHEN DEALING WITH CASES OF CHLD ABUSE.

OVER THE NEXT THREE DAYS YOU WILL BE GIVEN AN OPPORTUNITY TO MORE FULLY UNDERSTAND AND DISCUSS THE PROBLEM OF WOMAN ABUSE. THE SYMPOSIUM HAS BEEN STRUCTURED TO ENCOURAGE THE DEVELOPMENT OF COMMUNITY RESPONSES BY ALL INTERESTED PARTIES IN THE CRIMINAL JUSTICE SYSTEM, THE SOCIAL SERVICE SYSTEM AND THOSE WORKING IN NON-GOVERNMENTAL ORGANIZATIONS TO HELP WOMEN.

I WOULD LIKE TO MENTION BRIEFLY SOME OTHER INITIATIVES WHICH THE GOVERNMENT IS UNDERTAKING. THE DEPARTMENTS OF SOLICITOR GENERAL, JUSTICE AND WOMEN'S DIRECTORATE, ALONG WITH REPRESENTATIVES FROM THE RCMP AND THE N.B. CHIEFS OF POLICE ASSOCIATION, ARE COMPLETING A THREE-MONTH PILOT PROJECT TO GATHER ACCURATE DATA ON WOMAN ABUSE IN NEW BRUNSWICK.

THE PILOT PROJECT WILL COLLECT INFORMATION FROM:

- THE RCMP AUTOMATED SYSTEM;
- THE POLICE OPERATIONAL REPORTING SYSTEM FOR MUNICIPAL POLICE FORCES;
- TWO MUNICIPAL POLICE FORCES PROVIDING MANUAL INFORMATION; AND THE
- JUSTICE INFORMAITON SYSTEM FOR COURT INFORMATION
- WOODSTOCK AND GRAND FALLS ARE THE TWO MUNICIPAL POLICE FORCES WHO VOLUNTEERED TO COLLECT THE DATA MANUALLY.

THE OUTCOME OF THE PILOT PROJECT WILL BE THE PROVISION OF ACCURATE DATA ON AN ONGOING BASIS ON THE INCIDENCE AND OUTCOMES OF OFFENCES INVOLVING WOMAN ABUSE. THIS PILOT PROJECT IS A COLLABORATIVE EFFORT BETWEEN THE POLICE COMMUNITY AND THE PROVINCIAL GOVERNMENT. STATISTICS ON THE NUMBER OF INCIDENTS OF WOMAN ABUSE WILL HELP IN THE DEVELOPMENT OF PROGRAMS THAT BETTER RESPOND TO BOTH THE VICTIMS AND PERPETRATORS OF ABUSE OF WOMEN.

THE GOVERNMENT ALSO RECOGNIZES THE IMPORTANCE OF PREVENTION. TO THIS END, ANOTHER SUB-COMMITTEE OF THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE HAS BEEN FORMED TO MAKE RECOMMENDATIONS REGARDING A PUBLIC AWARENESS CAMPAIGN.

SUCH A LONG-TERM INITIATIVE WILL HELP IN THE PREVENTION OF WOMAN ABUSE BY SENSITIZING ALL NEW BRUNSWICKERS TO THE FACTS SURROUNDING VIOLENCE AGAINST WOMEN. THE GOVERNMENT CAN PLAY A LEAD ROLE IN DISPELLING MANY OF THE MYTHS WHICH SURROUND THESE ISSUES.

AT THE RECENT ANNUAL MEETING OF MINISTERS RESPONSIBLE FOR THE STATUS OF WOMEN, FEDERAL, PROVINCIAL AND TERRITORIAL MINISTERS DEVELOPED A STATEMENT ON VIOLENCE AGAINST WOMEN. THE GOVERNMENT OF NEW BRUNSWICK STRONGLY ENDORSES THIS STATEMENT AND THE PRINCIPLES ENUNCIATED IN IT.

AS THIS DECLARATION STATES, "EVERY INDIVIDUAL, COMMUNITY AND GOVERNMENT IN CANADA MUST DO EVERYTHING POSSIBLE TO HELP THE WOMEN, CHILDREN AND FAMILIES AFFECTED BY VIOLENCE; WE MUST ALL WORK TOGETHER TO ACHIEVE A SOCIETY FREE FROM VIOLENCE".

I WANT TO CONGRATULATE THE ORGANIZERS OF THIS PROVINCIAL SYMPOSIUM AND TO THANK ALL THOSE WHO MADE IT A REALITY TODAY. I BELIEVE THIS SYMPOSUIM WILL MAKE A DIFFERENCE IN THE LIVES OF NEW BRUNSWICKERS WHO LIVE WITH THE TRAGEDY OF WOMAN ABUSE. I AM CONFIDENT THAT THE WORK YOU DO IN THESE NEXT THREE DAYS WILL TRANSLATE INTO EFFECTIVCE ACTION IN YOUR COMMUNITIES AS YOU WORK TO COMBAT THE ABUSE OF WOMEN.

THANK YOU FOR YOUR EFFORTS AND GOOD LUCK IN YOUR DELIBERATIONS.

# PROVINCIAL SYMPOSIUM
# ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM

HOTEL BEAUSEJOUR, MONCTON, N.B.

NOVEMBER 7-9, 1990

## INTRODUCTION OF KEYNOTE SPEAKER

NOVEMBER 7,1990

HONOURABLE CONRAD LANDRY

NEW BRUNSWICK SOLICITOR GENERAL

THANK YOU MR. PREMIER.

IT IS NOW MY PRIVILEDGE TO INTRODUCE OUR KEYNOTE SPEAKER. LINDA MACLEOD IS A WELL KNOWN NATIONAL EXPERT IN THE FIELD OF VIOLENCE AGAINST WOMEN.

MS. MACLEOD HAS BEEN WORKING AS A CONSULTANT AND RESEARCHER IN THE AREAS OF FAMILY VIOLENCE, CRIME PREVENTION, JUSTICE REFORM, VICTIMOLOGY, THE NEEDS OF THE ELDERLY AND STATUS OF WOMEN CONCERNS FOR OVER FIFTEEN YEARS. AS SUCH SHE HAS DEVELOPED A DIVERSE EXPERTISE IN THE TOPIC OF VIOLENCE IN SOCIETY.

SHE HAS CONDUCTED A NUMBER OF RESEARCH STUDIES FOR SOLICITOR GENERAL CANADA, JUSTICE CANADA, SECRETARY OF STATE, AND THE CANADIAN ADVISORY COUNCIL ON THE STATUS OF WOMEN.

MS. MACLEOD HAS BEEN ONE OF THE MAJOR CONTIBUTORS IN CANADA TO THE FIELD OF RESEARCH IN WOMAN ABUSE.

**SHE IS THE AUTHOR OF SUCH WELL KNOWN PUBLICATIONS AS:**

**BATTERED NOT BEATEN, WIFE BATTERING IN CANADA;**

**WIFE BATTERING IN CANADA: THE VICIOUS CIRCLE;**

**WIFE BATTERING, EVERY WOMAN'S ISSUE;**

**A CHANGING VISION OF WIFE BATTERING; AND**

**PREVENTING WIFE BATTERING: TOWARDS A NEW UNDERSTANDING,**

**TO NAME ONLY A FEW.**

IN ADDITION TO BEING A CONSULTANT, MS. MACLEOD IS CURRENTLY PRESIDENT OF THE NATIONAL ASSOCIATIONS ACTIVE IN CRIMINAL JUSTICE, A COALITION OF TWENTY-ONE NATIONAL PROFESSIONAL AND VOLUNTARY SECTOR ORGANIZATIONS CONCERNED WITH JUSTICE ISSUES.

IT IS INDEED MY PLEASURE TO WELCOME MS. MACLEOD TO NEW BRUNSWICK AS THE KEYNOTE SPEAKER AT THIS SYMPOSIUM ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM.

# SHARING THE RESPONSIBILITY FOR JUSTICE

A Speech Presented by

LINDA MACLEOD

To the Provincial Symposium on
Woman Abuse and the Criminal Justice System

November 7-9, 1990

Beausejour Hotel,
Moncton, New Brunswick.

# SHARING THE RESPONSIBILITY FOR JUSTICE

## INTRODUCTION:

Good morning. I am honoured, excited and moved to be here today speaking to you. I am not just excited because I have had the honour of being introduced by the ~~Premier~~ Solicitor General of your province. I am excited by the fact that each and every one of you has had the courage to register for this conference and is sitting here in the audience today. You, like your Premier are saying by your very presence here that you have the courage to put the justice into our justice system's response to woman abuse. By deciding to attend this conference, you are making a commitment to look at two of the most challenging, frightening and disturbing issues we face today........the shocking prevalence of violence against women right across our society, and the growing loss of faith and confidence in our justice system.

## WHY IS COURAGE NEEDED?

It took courage to come here today because the topics we are going to discuss over the next three days are not academic topics from which we can safely distance ourselves. Violence and the loss of confidence in justice in our society are very visceral issues, very emotional issues...issues that have a grip on all of us and just won't let go. They affect every one of us not just in our professional lives but in our day-to-day lives as parents, husbands, wives,grandparents, sisters, brothers, neighbours and friends. We all feel a little less safe when we hear about corruption in our justice system. We all feel at least a little anxious about the apparent rash of murders of women by their husbands that has been hitting the press lately. We all worry about people damaged by violence in their home taking their rage and violence into our streets and our schools. We all worry about the kind of world our children and grandchildren will inherit. How do we know our daughters and granddaughters won't be abused? How do we know they will get the help they need if they are hurt and scared? It takes courage to deal with these fears. PAUSE

It took courage to come here today because I know that many people in this room are frustrated that our efforts don't seem to be stopping the violence. Some people in this room are angry, and most of you are probably cynical about ever finding an effective response to woman abuse. Many people in this room feel misunderstood around their interventions in woman abuse, many people feel unfairly criticized, some of you may feel a bit like sitting ducks coming to this conference. I can just hear some of the police in the audience saying:

"What does she know? What do any of these women know about how hard it is to go up to that door, not knowing what's behind it, not knowing who's going to attack you first, the man or the woman, having to listen to their kids crying, begging you not to take their daddy away.....what do they know about that?"

And there are probably Crown Attorneys in the audience figuring they will never get anybody to really sympathize with the huge caseloads they deal with, will never get anybody to understand that it isn't easy to give women who are abused the time and sensitivity they deserve when you are split in fifty different directions and have to deal with bureaucratic hassles as well as the demands of your court cases.

Maybe there are judges in the audience who have been faced with the impossible choice of what to do with a man who has assaulted his wife, but who is the only breadwinner in a family with three little kids. The wife says she wants him back. You recognize the seriousness of the crime, but you worry about the future of that family if you send the man to jail.

And there are parole officers who also have huge caseloads, limited time to supervise each person assigned to them, and too little support and information on how these men who abuse their wives operate. Hell, they seem like nice enough guys. It's hard to know how to deal with them, and you only have them on your caseload for such a short time. You just can't make everything your personal mission.

And there are transition house workers who have heard time and time again from women who have called the police for help, but the police have not come, or have come so late that she could have been dead if she hadn't escaped. They've heard time and time again about Crown Attorneys who had not even read the file before court, of judges who gave the man a slap on the wrist or even commisserated with him at the time of sentencing for having to put up with such a nagging wife.

There are social workers in this audience who have seen the devastating fall-out for many women who call the police. They can relate well to the questions of the woman whose husband divorced her, who subsequently lost her children and was forced to go on welfare after she testified against her husband in court:

"Why did I ever call the police? They took my privacy, my children, my husband, my dignity, my self-respect, my belief in what is right. I would rather be beaten every day of my life by my husband than have a bunch of strangers take my life away without even asking".

And of course there are the women who are abused and the men who abuse them. They too are in this audience and in every other audience you or I address. They know that the problem and the solution are not simple. They know that there are no right and wrong answers. They know that the justice system alone cannot bring justice to their lives, nor can it stop the violence they are living with. PAUSE

It also took courage to even decide to hold this conference, because this conference brings its organizers and you, the participants face to face with all this emotion, with all these frustrations, with all these different pieces of the same puzzle.

I knew from way back last June, when I was first contacted to speak at this conference that this symposium would be a courageous, landmark event. When I was first contacted by Brenda Thomas, one of the symposium co-chairs, there was no secrecy about how this symposium came to be. I was immediately sent press clippings from last December when the important and explosive report of the New Brunswick Advisory Council on the Status of Women entitled "Male Violence in Relationships and the Justice System" was released. I was encouraged to trace the reactions to this report. I was told right up front that this conference was planned in order to address the issues raised in this report and the reactions to this report. Now I call that very exciting and very courageous. In New Brunswick, conflict over a very difficult issue was not covered up. It was translated into something positive. It was translated into constructive and creative action. In the very fact that this conference is now taking place, we have a vital example of a non-violent way to resolve differences.

This conference is a chance for different experiences to be heard, for frustrations to be aired, for fears to be spoken, for understanding of the impediments every one of you experiences in your jobs dealing with woman abuse to be increased, and for successes to be shared. This symposium has given each and every one of us the model and the chance to work through our differences in a non-violent, non-aggressive, non-controlling way. For the next three days we have a real and significant opportunity to learn from each other, to use each other for support....because these problems are much too big for any one of us, or for any one group of us to shoulder alone. This conference has given us the chance to take the responsibility together to put justice into our justice system's response to woman abuse. I pray we have the courage to meet this challenge.

## HOW BIG IS THE PROBLEMS WE ARE DEALING WITH?

### The Scope of Woman Abuse:

In order to explore effective ways to work together to stop the violence, we first have to understand the problem we are dealing with. We are dealing with a vast number of women who are abused each year by their husbands, ex-husbands or partners....one million women a year according not just to my statistics, but also to a national, scientifically sampled survey conducted out of the University of Calgary last year.

The abuse these women experience is not a one time occurrence, but repeated, prolonged psychological, verbal, physical, sexual and financial erosion of their psychological and physical well-being. You will hear more about the characteristics of battering and its ramifications for the women later in the workshops following this plenary.

## The Costs of Woman Abuse:

But the suffering caused by woman abuse goes far beyond the suffering of the women themselves. Their children's lives are poisoned by the violence. They have adjustment and behaviour problems. Boys in these families are more likely than other boys to be violent both as children and as adults. Girls may also become violence, but many more turn to prostitution or become runaways. A thirty year longitudinal study found that reports of ongoing parental conflict and violence during childhood were "significant and predictive of serious adult violent crimes". Many of the men and women in our prisons today grew up in violent homes. Some service providers speculate that living with violence in the home and enduring the emotional rollercoaster and neglect that can ensue, can make children more susceptible to abduction or sexual assault by strangers because these children are often so desperate for affection. Others have linked violence in the home to problems concentrating and learning at school, to depression, to childhood and teenage suicide.

There are costs to the abuser, even though this is not such a popular topic to consider. Many abusers are playing out their own victimization and the low self-esteem and anger that is the legacy of their past. Aboriginal women particularly, but also some groups of immigrant women recognize that the men who abuse them are also victims of physical or sexual violence, or of the powerlessness and economic inequality that comes with a minority status in our society. As one woman said to me: "You talk about men feeling powerful. My man never felt power. He never felt in control. He never had nothing, and always was treated like dirt. And that's why he beats me. But then he feels so low, because he hurt me and I'm the only one he's got."

Some men who abuse women lose their families, or at least the love and respect of their family members, and for many men their families are truly all they have. Some men are given a prison record. Most men pay for their violence with self-hatred. As many men have said to me over the years. "I always swore I'd never be like my old man. I hated him for everything he did to my mom and to us kids. But here I am just like him. I'm no better than him..That really hurts."

The extended family pays a high price too, as do friends of families where women are abused. Friends, grandparents, aunts and uncles feel impotence, confusion, fear for the woman and children, disgust with the man, and yet may feel anger at the victims for letting them see that violence is this close to them.

But what about the costs to all of us in this room, to everyone in your community, to the society as a whole? We are all paying for woman abuse.

We are certainly paying financially. A few years ago, I did a quick calculation of what woman abuse is costing us just in terms of the cost of known police services devoted to crisis intervention in these cases, the cost of transition houses, hospital emergency services and a minimum number of visits to the doctor by women who are abused. I guessed that we were paying at least one quarter of a billion dollars a year for this violence, and this did not take into account the cost of counsellors, welfare, education specialists, the administration costs of processing and monitoring welfare, child welfare, court costs, the costs of mental hospital admissions, the costs of policing homicides, runaways, teenage prostitutes, and on and on and on.

And the social costs are even more devastating. Woman abuse destroys our sense of safety. It creates crimes in our society. It escalates the fear, the destruction, the suffering in our society. It creates guilty secrets, it isolates, it fragments families, it fragments communities. Wife battering spreads its isolation, and reinforces the fragmentation of each of us from one another.

We pay a social cost in the form of children too traumatized to learn or develop normally, adult victims unable to function to their full potential and we pay through a diminished quality of family and community life.

We pay with social disorganizaiton, violent crime, lack of trust, fear of others and a general societal loss of control over social order.

We pay with a society where control and power are the only meaingful currency, where the female half of our population suffers from societally induced low self-esteem and the male half of the population suffers from anxiety caused by feeling they always have to be in control.

## The Justice System is Also Part of the Problem

And that brings me to another major dimension of the problem. Woman abuse is part of our history. It is NOT a modern social problem that can be erased with modern social solutions. Woman abuse is part of the fabric of our belief systems, the roles we consider acceptable for men and women, our values about love, families and relationships and it is embedded in the institutions we turn to in order to stop the violence. Most importantly for this conference, woman abuse has been condoned or ignored by our system of justice. Let's look briefly at the legacy we have inherited....

-Did you know that in 2500 B.C. if a wife talked back to her husband, he could engrave her name on a brick and use the brick to attack her?

-Did you know that wife beating and wife killing were legal RIGHTS of men in Greek and Roman times?

-Did you know that in the Middle Ages, wives could be burned at the stake for scolding, nagging or talking back to their husbands?

-Did you know that in the 19th century, a husband could legally beat his wife with a stick as long as the stick was no thicker than the width of his thumb?

- Did you know that it was not until 1968 that a spouse could be granted a divorce on the grounds of physical cruelty?

-And did you know that it was not until 1983, just seven years ago, that a man could be charged with sexually assaulting his wife?

## No Wonder Our Frustration Levels are So High

No wonder our frustration levels are so high. Look at the powerful forces we are trying to reverse. And I have only given you a thumb-nail sketch of how deeply entrenched in our culture woman abuse really is. Woman abuse for centuries was legally sanctioned as a right. Our very perceptions of the ways men and women should and could act have been formed around these legal sanctions and the values on which they were built. This afternoon you will be looking more closely at these values. But I want you to ponder this for a moment...It is so important to recognize the enormity of the task we are undertaking if we are to truly recognize the significance of the progress we have made in just one decade, but also if we are to understand why we are so frustrated in our attempts to "solve" the problem of woman abuse through the criminal justice system.

## A More Recent Historical Overview: The Changing Criminal Justice System Response to Wife Abuse:

Let's take a quick look at how the justice system response to woman abuse has changed in just over one decade. In the mid to late 1970's, woman abuse first came to public attention through the public education efforts and front-line service delivery of groups of women working in shelters for women who were abused and for their children.

In these early years, although the criminal nature of wife assault was certainly recognized, at least in very brutal cases, the general attitude was that this was a "family problem" that should best be handled by the family, by social workers or by counsellors. In the late 1970's, as woman abuse came out of the closet, several police forces began experimenting with various crisis intervention models. The emphasis of these crisis teams was on the sensitive "handling" of the case, on "cooling down" the man, and on providing emotional support and referral to the woman. These were early attempts to build a multidisciplinary team to respond to woman abuse. They were built on a recognition of the complexity of the problem, and on a recognition of the poverty of the criminal justice system to provide the needed support as well as the protection and control that might be needed. During this brief period of time when awareness was just beginning, no one group "owned" the issue of woman abuse, and the justice system was just one player in a problem that was recognized to have no easy solution.

But then in the early 1980's, as the public became more aware of the enormity of the problem of woman abuse in our society, the public began to demand a strong, decisive justice response to reflect the outrage the public was feeling at the prevalence and brutality of violence against women. The public began to demand that the justice system emphasize the criminal nature of woman abuse, and stop this violence through powerful public statements made by justice officials and through the deterrent, punitive power of the justice system. People across Canada wanted to address strong feelings about woman abuse with equally strong solutions to the problem.

And so, the justice system became a leader in broader societal efforts to CONTROL the violence. With this strengthened role, interest in crisis teams began to wane. Cost considerations, debate over appropriate police roles and concern that specialist police teams could undermine the commitment of police foreces to provide crisis intervention training to all their officers, were all cited as factors in declaring multi-disciplinary crisis teams as not viable.

The new leadership role of the justice system was solidified, when in 1982, the federal Solicitor General sent a letter to his provincial counterparts and to the Executive of the Canadian Association of Chiefs of Police, requesting their support and cooperation in dealing with wife assault and encouraging all police forces to lay charges. As a follow-up to this letter, the RCMP developed a national charging policy in 1983. In conjunction with the federal Department of Justice, the federal Solicitor General issued guidelines for police and prosecutors in the NWT and the Yukon in December, 1983. Police training was upgraded. Police in some jurisdictions revised their statistical data collection to separate out wife assault from other "domestic disturbances". Designated Crown Attorney positions were created in some jurisdictions to ensure that Crowns have training in wife assault. And there was significant legislative change as well.

-In 1983, sexual assault legislation was changed so that a husband could be charged with sexually assaulting his wife.

-In 1983, amendments were made to the Canada Evidence Act expanding the situations in which the wife, or husband could be compelled to give evidence against a spouse to include offences related to wife assault.

-And in May, 1988, the Victims of Crime Act was passed, giving all victims of crime, including victims of wife assault, a greater role in the criminal justice system through procedures and programs more sensitive to their needs.

So much change took place in such a short space of time that three components of this change which have created enormous frustration and ambiguity about our progress ever since were overlooked.

1. By giving the justice system leadership in our societal response to woman abuse, we reduced our response to one that dealt with wife assault only. The justice system cannot deal with emotional and verbal abuse. It can deal only with sexual or physical assault. The justice system cannot therefore, by definition, deal with the whole problem and experience of woman abuse. And yet, increasingly, our society began to expect the justice system to " fix the problem", to "stop the violence".

2. Closely related to this unrecognized redefinition of the woman abuse was the problem that when "woman abuse" became narrowed to "wife assault", there was no room in this definition for real interdisciplinary partnerships in the response to the problem. The work of transition house workers, social workers, even health care workers became at best add-ons to the justice system response, and at worst were seen to be in conflict with the justice system response.

3. And finally, even though the official response had narrowed the problem to "wife assault", those people in the justice system as well as outside the justice system who were responding to women who were abused, to their children, and/or to the men who abused them, could nots always personally respond to the violence as "wife assault" only. They saw the other dimensions of the violence which made it woman abuse. They saw that the violence was repetitive, not just a single act of violence as assault is defined under the law. They saw that emotional and economic considerations were often as important, or even more important than the physical assault in some cases. They saw the ambivalence that is so much a part of woman abuse. And so they, along with the women who were abused reacted with frustration.

Because, as a society, we wanted the violence to stop so much, we failed to recognize that we were putting unrealistic and unfair expectations on the justice system....expectations which demanded that the justice system manage things it was never designed to do, like provide support....expectations which demanded that the justice system change its laws, like recognizing that wife assault is not a single occurrence of violence, but repetitive violence....expectations which demanded that the justice system change its strong emphasis on protecting the accused...a demand which would overturn our entire system of justice.

No wonder our frustration levels are so high. No wonder many women still do not seem to prefer criminal justice solutions to deal with their battering. No wonder, even where the verdict and sentence seem to be sympathetic to their concerns, women often express dissatisfaction with criminal justice intervention. In a recent study a did with Cheryl Picard for the department of justice, through interviews and focus groups with women who had been abused and had called the police, we discovered that women who call the police and agree to go through the court process expect that the justice system will absolve them of any blame, will make their husbands see how wrong they have been, and will generally "fix their lives". When women call the police, they are often looking primarily for validation and for immediate protection. They want and expect the officer to publicly proclaim that what was done to them was wrong. They want the officer to publicly communicate their worth as a person to their male partners and they want the officer to give them hope that their lives will get better. Women expect this, because they are getting the message through all our public education that the criminal justice route is the way to go, that calling the police can be "one-stop shopping". But of course it can't. And so, because women are absorbing this message from our societal determination to stop the violence through the justice system, they are always disappointed in the justice system. Women have lamented to me:

"Participation in the criminal justice system wasn't presented to me as a right. It was an obligation. I was made to feel that I had no choice if I wanted any other kind of support or help". And of course this woman's perception was accurate because other services have become "add-ons" to the justice response.

Other women are affronted by the adversarial nature of the justice system. As one woman said to me: "My lawyer wants me to be mad. He wants me to want blood. I've had enough blood and anger for one lifetime. I don't feel anger. I don't want any more fights. I just want to get on with my life." Our criminal justice system is by nature adversarial, but this woman wanted something else.

Most women do NOT want the control over their lives, the halting of their lives that involvement through the court system so often entails. And most women who are abused do not want their lives controlled through the negative emotions of vindictiveness and anger which can accompany the adversarial process.

And the high expectations placed on the justice system to stop the violence has had many unanticipated consequences for the justice system which have increased frustration and have fostered cynicism and even hopelessness among many people working in the justice system.

-The more aggressive charging policies, where they are being applied, have created an even greater overload of cases in an already congested court system.

-This overload has increased the delay between charge and court appearance, so that in some locations, the woman may have to wait as much as eighteen months before the case is brought to court.

-This glut of cases in the court has negated the positive training received by Crown Attorneys and the sensitization of some judges through public education efforts because they are unable to spend sufficient time with the victim and/or on determining an appropriate and creative sentence because of case overload.

-Police are becoming less motivated to press charges because they perceive that there is little chance that the case will "successfully" proceed through court, and their performance appraisals are often influenced directly or indirectly by the number of ultimately "successful" cases they bring to court.

-Sentences are often inconsistent and unimaginative. The public perception of the ineffectiveness of the sentences erodes the strength of the message that wife assault is a crime, and weakens the potential deterrent effect of criminal justice intervention.

And even beyond these direct consequences, some other less concrete, less obvious consequences have resulted.

-People working outside the justice system to stop the violence are feeling increasingly angry at the lack of recognition they are receiving for their work, and increasingly critical, given their lack of influence, over the apparent "failure" of the justice system to fulfill the mandate society has given it to stop the violence.

-The very strength of emotion, of commitment people have invested in stopping the violence, and the frustrations that have developed because of the unrealistic expectations placed on the justice system, have created "armed camps" around this issue. People inflexibly argue for or against charging policies, for or against removing the woman's right to have the charges withdrawn. There is little cooperation toward finding a truly effective justice system intervention in wife assault cases. Instead ideological warfare has erupted around this issue.

- And an increasing number of people working in the criminal justice system are expressing concern that in our zeal to "treat wife assault like any other crime", we have in fact made of wife assault a very special crime, a crime in which the rights of the victim have bveen eroded in the public passion to strongly proclaim our disgust for woman abuse. We have, in other words, inadvertently set up a system to help women who are abused, which by its very nature increases their victimization as well as the frustration and burnout of people working in and with the justice system.

## Frustration has Given Birth to An Emerging Vision:

All this frustration and negativity has not been without some benefits. We are now at a turning point in our response to woman abuse. People working to stop the violence have decided that they are not just "mad as hell". Now we are proclaiming that we "aren't going to take it anymore". People working to stop the violence are now moving toward a new vision. A vision that includes the justice system, but no longer puts such high expectations on the justice system to solve the problem for society.

In the same study I completed with Cheryl Picard for the National Department of Justice, which I mentioned earlier in this speech, we also spoke to people working in and with the justice system about their ideas for change, and in particular about their ideas for a more appropriate justice system response. A remarkably consistent vision emerged from people with very disparate ideologies and professions. The people interviewed asserted strongly that:

1. it is important to continue to communicate through the justice system that wife assault is a crime. Most people interviewed felt that this could be done most effectively by laying charges.
2. They also felt that it is important to ensure that the justice response is consistent;
3. it is essential to re-examine the prominence our society has given to the justice system in our attempts to stop woman abuse. It is now time to look at other partners in the solution, and to re-examine the leadership role we have assigned to the justice system, and,
4. it is also of paramount importance that the choices and rights of women who are abused are not further eroded by the societal response to their abuse.

The police, lawyers, transition house workers, counsellors and policy makers who were interviewed stressed that as a society, we CANNOT over-emphasize the potential preventive effect of justice system intervention, and above all we CANNOT make women who are abused, scapegoats in our zeal to affirm the power of our justice system. As a society,. we must act on our growing awareness that we cannot "legislate" or "criminalize" problems away.

Frustration has also given birth to some innovative initiatives:

The growing swell of concern with the increasing divide between our justice system as a symbol of fairness, strength and balance and the effects of our justice system in action when applied to woman abuse, has led a few people working in the justice system to begin their own experiments to increase and test the flexibility of our current system. You will be hearing more about the innovative initiatives springing up across Canada tomorrow. So I will flag only a few of them at this point in time.

1. Over the last few years, Judge Porter, in Hinton Alberta has been experimenting with the use of sentence adjournment primarily in child sexual abuse cases but potentially as well in wife assault cases, as a way to integrate treatment for the offender as well as counselling and support for members of the immediate and extended family with the deterrent power of the justice system. Judge Porter's approach began with extensive education of all people working in the community who might be the first point of contact for a child who was being abused or for the mother of the abused child. This training built a cooperative, community-wide team who relied on one another and who reacted consistently to cases of abuse. The training also influenced these service providers, including defense lawyers to allow the abuser to take responsibility for his action where in fact he had abused a child or woman and wanted to admit to the abuse. This encouragement was not an attempt to unfairly coerce the men, but rather to allow them to take responsibility for their acts where appropriate, and to allow the system to then provide treatment and support to the perpetrator and to all other family members.

As soon as the abuse was disclosed, each of the members of the family was assigned a support person, an "advocate", someone to look out for their interests, someone to be there for them, to listen to them, to provide or refer them to counselling where needed, and to help them with details that might arise through legal cases, dealings with doctors, etc. The case was also immediately brought to the attention of the police and the abuser was charged.

The case was also brought before the judge as quickly as possible, usually the same day or the very next day. At that time, if the man decided to plead guilty, the judge would tell the man that he could pronounce sentence on the spot, or that he could adjourn sentencing for a month if the man agreed to certain conditions. These conditions included:

-finding living accommodations outside his family home,

-having no contact whatsoever by phone, letter or in person with his family for a month; and

-attending counselling over that month.

If the man agreed to these conditions, not only would he be put in treatment, but each member of the family would also go separately to a counsellor for this month.

At the end of a month the man would again come before the judge, and if all the ocnditions of the adjournment had been met, would be asked if he wanted sentence pronounced then, or if he would like to undertake another month's adjournment under the same conditions. If he agreed to this adjournment, the process would be repeated, and the man would be brought up before the judge each month for a period of eighteen months to two years.

At the end of approximately one year, if all members of the family were interested in reconciling, the family would be allowed to reunite, but would still be under close scrutiny from the counsellors. In addition, members of the extended family would be called and invited to also become part of the counselling process.

At the end of eighteen months or two years, when the counsellors had agreed that adequate progress had been made, the man would once again come before the judge to be sentenced. In the interest of insisting that the men take responsibility for their actions, Judge Porter would then sentence them. He generally passed a sentence involving community public education work and continued counselling for approximately two years. In three years of dealing with abuse cases in this way, Judge Porter knew of only one case out of one hundred, where the man had reoffended.

2. Other people in the justice system are also searching hard for ways to make our justice system more just. Andrejs Berzins, the Chief Crown Attorney in Ottawa is currently using two methods. He has instituted a meeting once every two weeks with a multidisciplinary local group, including a transition house worker, a police officer, a social worker, a victim program coordinator and himself to discuss creative coordinated ways to deal with difficult family violence cases, where the woman is in great danger and/or where she refuses to testify, so that the woman will not be doubly victimized by the system.

He is also making use of the pre-trial option within our law, to give a public opportunity, with a judge present, for the Crown and the defense lawyer to present their sides of the story with both the accused and the victim present. While he is not using this option exclusively for wife assault cases, he is trying to ensure that victims can be more a part of the system in wife assault and other cases.

3. Mr. Berzins has also been highly influential in the development of a legislative reform proposal being developed by the National Associations Active in Criminal Justice, of which I am the president in my volunteer life. This proposal is not directly targetted at wife assault cases, but is intended to reform the system in such a way that minor criminal offences such as shoplifting and neighbourhood disputes could be dealt with more expeditiously so that serious offences, including wife assault cases, would be given the time and consideration needed to ensure a more sensitive, appropriate justice response.

In this legislative reform, the Crown Attorney would be given a third choice in how to proceed with a case. Currently, a Crown Attorney can elect to proceed by summary or indictable conviction. The third elective would allow the Crown, with the consent of the accused and his lawyer, to stream the case into a court where a sentence of incarceration would not be an option, and where more imaginative community-based sentences would be used more routinely.

4. Manitoba has created a special family violence court which can deal with criminal charges of wife assault as well as other charges laid in connection with a variety of family violence cases. I understand you will be hearing from Judge Meyer tomorrow about this program.

5. Aboriginal groups are looking at community based ways of dealing with woman and child abuse, instead of using the mainstream justice system. They believe that violence in a family is a community problem, not an individual or family problem and as such the solution must lie not just in healing the individuals in the family, but on healing the community. They are experimenting with community forums in which the abuser publicly takes responsibility for the abuse. The abuser, the members of the immediate family as well as many members of the family then take part in counselling programs aimed at healing the community violence which created the abuse.

6. There is also a groundswell of interest in removing the abuser from the home rather than the victim. Currently, in the interest of protection, where a woman and/or her children are considered to be at risk, the police are likely to suggest to the woman that she would be safer elsewhere. The police would then transport her to a transition house, a safe home, a motel or the home of a relative or friend. For years, critics of this system have argued that this further victimizes the victims, forcing them to be uprooted at a very traumatic time, forcing them often to adopt a lower standard of living than their usual standard, while the abuser sits comfortably in the family home. Jim Clarke, who recently retired

from the Atlantic Police Academy has written a paper outlining his beliefs on how the man could be removed legally from the home within our present legal framework, using bail reform provisions. He suggests that the person who committed the assault could be arrested, removed from the family residence, charged and then released on conditions as provided for in the Criminal Code. The main condition would be that he would reside in a single man's hostel staffed by counsellors until the Court decided otherwise. The court would be advised by the counsellors of any positive indicators of behavioural change.

The man would be able to keep his employment, if he was working, and continue to maintain his family financially and ideally also contribute to the cost of his stay at the men's hostel.

These are only a few examples of the ways people are attempting to make our justice system more responsive and sensitive to the needs of victims and to the realities of woman abuse. These are only a few examples of ways that people across Canada are experimenting with the limits of our justice system. They are questioning the assumption that our systems are etched in stone. They are moving away from the notion that only people involved in the justice system can provide justice. They are moving toward the notion that the victim's voice must be heard. They are moving toward the ideal that we all must share responsibility for ensuring that justice is done and that the violence is stopped.

## CONCLUSION:

Having the courage to create a new vision and to make this vision a reality is a frightening, painful and exciting challenge. It is a challenge that many women and men in Canada feel is long overdue. If we have the courage to accept this challenge, however, it has the power not just to stop the woman abuse, but to free every one in this room from the frustration, burnout, disillusionment and fear that we have been living with for too long.

We must have the courage to recognize how our current responses to woman abuse are victimizing the women and everyone working to stop the violence. At the same time, we must have the courage to recognize the good in the current system and to built on it, not simply to react against what we have, and look for something totally new.

We have accomplished an incredible amount over the past few years. We have learned a good deal. We must not abandon that learning but build on it.

Over the next few days, you face some real challenges.

1. You face the challenge to increase your knowledge and understanding of woman abuse, from the point of view of the women, the children and the abusive partner.
2. You face the challenge to question our current ways of doing things.
3. You face the challenge to reform, to recreate the justice system in such a way that the historical trend to ignore or minimize the problem of woman abuse through our laws is reversed.
4. You face the challenge to use the tools we have within our justice system imaginatively, to allow for a new flexibility, to apply the tools we have in new permutations and combinations in order to promote fairness and justice.
5. You face the challenge to develop a consistent, creative and constructive response to woman abuse which clearly asserts the repugnance with which our society views wife abuse, but which does not erode the choices of women who are abused, and which does not ignore their experiences or wisdom.
6. And above all, you face the challenge to work together...to truly listen to the constraints you experience in your efforts to stop the violence. To truly listen to the knowledge each different person in this room has gained through these efforts.

We must all dare to care, not to control. We must dare to work as partners in our efforts to stop woman abuse. We must have the courage to change if our children, and our grandchildren are to feel respect for our system of justice and know the freedom of living without violence.  Thankyou.

# Colloque provincial sur les femmes victimes de mauvais traitements

Matériel présente

par

Ginette Larouche

Atelier

## la dynamique de mauvais traitements infligés aux femmes

Moncton, Novembre 1990

# LA VIOLENCE

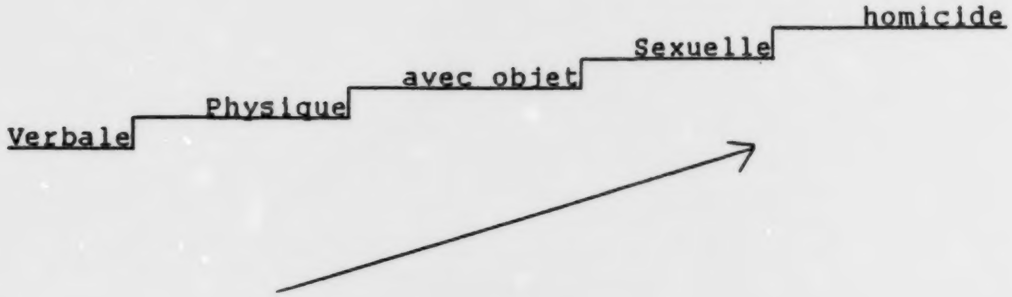
-C'est un acte de contrôle, de domination d'un individu envers un autre.

-La violence est l'intention d'utiliser la force physique ou verbale pour parvenir a imposer ses règles ou solutionner un conflit sans négocier.

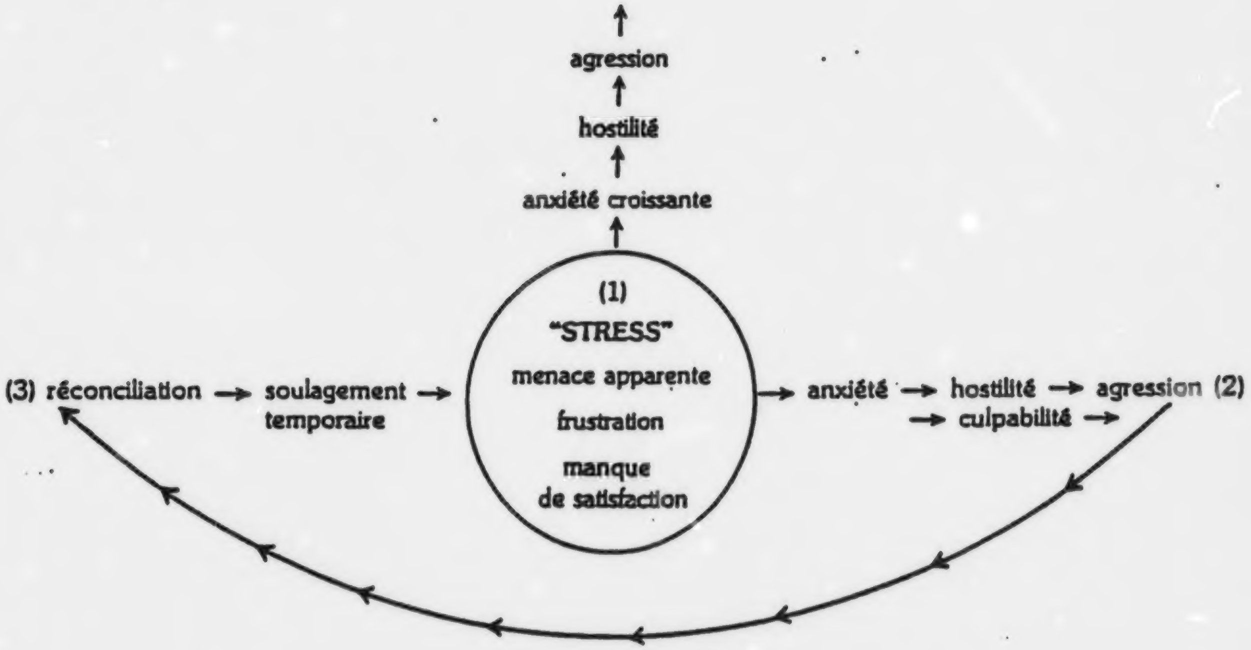
- La violence augmente généralement en intensité et en fréquence dans le temps.

-La durée des périodes de rémission réduit progressivement lors de l'escalade de violence.

L'escalade habituelle de la violence



-La violence psychologique ( dénigrement, relation punitive, mépris etc. ) est aussi dommageable que la violence physique.


agression
hostilité
anxiété croissante
(1)
"STRESS"
menace apparente
frustration
manque de satisfaction
(3) réconciliation
soulagement temporaire
anxiété
hostilité
agression (2)
culpabilité

## INFORMATIONS GENERALES

-1 millions de femmes ont subi au Canada une agression physique de la part de leur partenaire en 1986 et 15% des homicides au Canada ont été commis par les conjoints qui ont tué leur partenaire ( Lupri ).

-La dernière étude sur la victimisation en milieu urbain: 97,700 voies de fait envers les femmes dont 15,400 cas ou il y a eu plus d'une agression ( Solliciteur Général du Canada)

-Dans 77% des cas de violence familiale, la victime est une femme. ( Solliciteur Général du Canada ).

- 18% a 21% des femmes admises dans les urgences d'hôpitaux sont des femmes battues ( Dupuis ).

- Dans 41% des cas de violence conjugale, l'escalade de violence se termine par le meurtre de la partenaire ( Dobash, Dobash ).

-Selon l'étude de Grandmaison, 86 % des personnes âgées violentées sont des femmes et dans 22.8% des cas c'est de la violence conjugale qui se poursuit et dans 34% des situations ce sont les enfants qui violentent et les fils sont les agresseurs dans 55.8% de ces situations.

-Les femmes battues subissent des blessures diverses ( Roy )
Contusion: 49.8%
Blessures corporelles : 23.2%
Ecchymoses a l'oeil: 17.8%
Côtes cassees: 9%

- Les femmes violentées font neuf fois plus de tentatives de suicide que les autres population suicidaires ( Stark ).

## FACTEURS QUI RENFORCENT LA POSITION DE VICTIME

| Le stéréotype féminin ou l'incapacité apprise | Facteurs personnels qui augmentent la tolérance à la violence | Discours et mythes qui entretiennent la position de victime |
|---|---|---|
| - L'oubli de soi.<br>- La responsabilité de la nourriture affective dans la cellule familiale.<br>- La douceur et la passivité.<br>- La censure de la colère.<br>- La faible estime de soi.<br>- L'apprentissage de la non-affirmation.<br>- La croyance qu'une femme ne peut survivre sans la présence d'un homme dans sa vie. | - Le passé d'enfant battue ou témoin de violence conjugale dans sa famille, la fillette devient alors passive.<br>- L'intégration du stéréotype féminin augmente la tolérance à la violence. Elle a donc appris à se sentir incapable.<br>- La faible estime de soi, le manque de confiance en soi, le repli sur soi augmentent la tolérance à la violence. | - La femme battue est masochiste, elle a un comportement pathologique.<br>- Elle ne veut pas s'en sortir puisqu'elle retourne avec l'agresseur.<br>- Elle contribue à la violence : elle le provoque.<br>- Elle l'encourage en ne réagissant pas.<br>- Dans un couple, il n'y a pas qu'un responsable.<br>- L'homme est le maître chez lui. |

Aucune caractéristique individuelle ne peut justifier la responsabilité de la femme battue dans son vécu de violence. L'intégration du stéréotype féminin de même qu'un vécu de violence dans l'enfance peuvent contribuer à augmenter le seuil de tolérance de la femme maltraitée. De surcroît, les pressions sociales culpabilisent les femmes victimes.

## TABLEAU 1

*Facteurs qui renforcent la violence chez l'agresseur*

| L'ALLÉGEANCE AUX STÉRÉOTYPES MASCULINS | L'INTÉGRATION DE LA NOTION DU POUVOIR | DISCOURS ET MYTHES QUI RENFORCENT LES ACTES VIOLENTS EN DÉRESPONSABILISANT L'AGRESSEUR |
|---|---|---|
| — La virilité passe par des gestes agressifs et violents[48]<br>— L'homme perçoit sa partenaire comme un être inférieur[49]<br>— Intégration des normes masculines qui prônent la violence[50]<br>— La femme est vue comme un être qui doit combler tous ses besoins affectifs[51]<br>— La punition physique est un moyen légitime pour contrôler sa partenaire[52]<br>— L'agression sert à prouver sa domination et à établir son pouvoir[53] | — Ex.: enfant témoin de violence[54]<br>— Ex.: enfant battu[55]<br>— Emploi de la violence dans les relations prémaritales[56]<br>— Bagarres avec les pairs durant l'enfance et/ou l'adolescence[57]<br>— Adolescents qui agressent leurs parents pour avoir le contrôle[58]<br>— La violence est perçue comme un moyen acceptable de solutionner les conflits[59] | — L'alcoolisme cause la violence<br>— L'homme violent est dépressif<br>— L'homme violent est stressé<br>— L'agresseur a un passé d'enfant battu<br>— L'agresseur a une pathologie ou un trouble de la personnalité<br>— L'agresseur est jaloux de façon pathologique<br>— La violence des hommes est innée et a une cause biologique (testostérone)<br>— Le stress et la fatigue sont des causes de violence |
| Les stéréotypes traditionnels entretiennent les comportements violents et généralement les agresseurs y adhèrent pour justifier leur pouvoir et leur droit de recourir à la violence. | Les apprentissages qui permettent d'intégrer la rentabilité de la violence pour solutionner des conflits sans avoir à négocier. | Rationnels qui servent à minimiser l'acte de violence. Un homme pourrait présenter plusieurs de ces problèmes sans être pour autant un homme violent. |

## SYNDROME DE STOCKHOLM

### La désensibilisation:

-La victime est mise au rang d'objet

-Elle devient la cible de violences psychologiques: dénigrements, sarcasmes, mépris etc.

-l'agresseur responsabilise sa victime et parle de provocation dès que cette dernière s'oppose à ses demandes

-Perte d'estime de soi chez la victime et dépendance émotive

### La victime: une non- personne

-La victime n'est plus considérée comme une personne ayant une valeur individuelle.

-L'agresseur ne lui prête plus des émotions de souffrance et nie les besoins de la victime.

-Les règles de fonctionnement s'établissent à partir des besoins de l'agresseur.

-Pour survivre la victime ajuste ses besoins à ceux de l'agresseur.

-Il se justifie d'agresser physiquement et sexuellement.

### Le droit de vie et de mort

-L'agresseur établit son pouvoir de domination et prouve par

## SYNDROME DE STOCKHOLM

ses agressions de plus en plus violentes, son droit de vie et de mort sur sa victime.

-La victime devient reconnaissante à l'agresseur de faire usage de violences qui ne mettent pas sa vie en danger.

-L'agresseur continue de responsabiliser sa victime des gestes violents qu'il commet.

-La victime perd la notion de danger

-L'intensité de l'expérience, la durée de l'épreuve et le fait que l'otage dépend de l'agresseur pour survivre contribuent à développer chez la victime le syndrome.

## MÉCANISMES DE SURVIE

-La victime est en survie continuelle et réagit uniquement à court terme dans la planification de ses actes. Ses moyens peuvent paraître irrationnels aux yeux des tiers.

-Elle adopte le retrait, diminue ses demandes personnelles, priorise les besoins de l'agresseur pour éviter les zones de tensions.

-Elle intègre les discours de l'agresseur et ne différencie plus ses besoins personnels et s'ajuste à ceux de l'agresseur puisqu'elle dépend de lui pour survivre.

-Elle établit des stratégies concrètes ( code téléphonique, contrôle des contacts sociaux etc.)

-Elle fait des ajustements sur le plan comportemental pour éviter les agressions.

-Elle tente de répondre aux besoins affectifs/sexuels de l'agresseur pour éviter l'escalade de violence et cela au détriment de ses propres besoins.

-Elle réduit ses demandes personnelles, économiques et familiales.

-Elle défend l'agresseur devant les menaces extérieures afin d'éviter d'éventuelles agressions. Elle sait que l'agression peut être différée dans le temps et qu'une rupture ne met pas fin aux menaces et aux violences.

-Elle a une survie précaire lors de la démarche judiciaire, son témoignage peut l'exposer à de nouvelles agressions, ses attentes devant la justice sont avant tout d'obtenir une protection et de l'aide.

# MÉCANISMES DE SURVIE

-Elle cesse rapidement d'exprimer des demandes à sa famille puisque le milieu immédiat de la victime accepte difficilement le processus de rupture évolutive. On retrouve souvent cette intolérance auprès des intervenants des différentes ressources d'aide.

-Les moyens de survie de la victime sont efficaces a court terme.

# INCAPACITE APPRISE

-Peu importe les moyens qu'elle prend, la victime ne peut réduire à elle seule les gestes de contrôle et de violence qu'exerce l'agresseur.

-Elle s'octroie souvent cette responsabilité que lui attribue parfois son milieu environnant.

-Dans cette situation, bien des victimes abdiquent et cessent de réagir puisque rien n'est efficace pour mettre fin aux violences du conjoint.

-Les demandes d'aide infructueuses aux différentes ressources sociales, judiciaires ou autres contribuent a alimenter le sentiment d'impuissance.

-Les accompagnements insatisfaisants lors des situations de crise augmentent grandement le sentiment d'impuissance. Les risques pris deviennent inutiles.

-Devant un tel insuccès, la victime développe une "INCAPACITE APPRISE".

-Une personne apprend a se sentir incapable lorsque ses efforts et ses actions sont insuffisants pour changer une situation.

-La victime adopte alors un comportement de passivité et elle prend du temps à réagir à l'aide qui lui est offerte parce qu'elle ne peut croire à un changement. Toutes ses expériences pour s'en sortir lui ont démontré le contraire. Le prix qu'elle a payé pour tenter de s'en sortir a souvent été très élevé. Elle est donc méfiante et peu confiante envers de nouvelles solutions.

## CONSÉQUENCES DE LA VICTIMISATION

-La femme battue n'est pas une personne pathologique.

-Perte d'estime de soi.

-Perte d'habiletés affirmatives.

-Isolement social.

-Pressions économiques ou pertes économiques.

-Selon Resnick la violence crée: de l'ambivalence, de l'anxiété, de la colère ( tristesse ), de la culpabilité, un sentiment d'aliénation et ces émotions sont niées par l'agresseur et l'entourage reconnait difficilement l'intensité de ces émotions.

-Elle recoit peu de protection des milieux d'aide durant le processus judiciaire.

-Elle oublie la valeur de ses capacités personnelles qu'elle démontrait avant le vécu de victimisation.

-Elles peuvent développer des comportements auto-destructeurs: suicide, consommation d'alcools ou drogues

-Les séquelles émotives sont importantes.

## TRAVAIL EN SOUS-GROUPE

De facon individuelle

Nommez 3 réactions que vous avez eues devant une situation d'agression.

Nommez 3 émotions que vous avez vécu durant cet événement.

Posez-vous cette question: auriez-vous pu réagir autrement.

Les gens se placent en sous-groupes et échangent leurs observations

Identifier une secrétaire par sous-groupe

Gordon Carlisle
Chair, Canadian Chiefs of Police Assoc.
Fredericton Police Dept.

## N.B. SYMPOSIUM ON WOMAN ABUSE

## AND

## CRIMINAL JUSTICE SYSTEM, NOVEMBER 7TH-9TH, 1990

GOOD MORNING! I was very pleased to be asked to participate in this important Symposium. I will try to restrict my comments to the police perspective both from a national and a local level. This issue is very appropriate at the present time as police forces across Canada are moving to or actively practising community based policing. Community based policing, while it has many definitions, is primarily a closer relationship between the community and the police The basis of the public is the family in its varies forms. Through closer ties to the community and its families, the magnitude of this social/criminal problem will be realized. It is imperative that the police are sensitized to the problems and the issues that surround this complex area.

There is probably no other single incident that the police are called to respond to that declenche triggers the danger signals as does a domestic violence call. When a call is received regarding such an incident, that is in progress, you know you will be going into a situation that is extremely volatile You will be entering a persons home that, through common law, is considered his or occasionally her castle. There, in most cases, are access to weapons. A high number involves alcohol or drugs and always the unknown. In addition, many of these calls are repeat occurrences that you have been at before, which occasionally creates more potential for violence with any outside intervention.

You are also aware that the incidents of homicides in domestic relationships represents 40 percent of murders in Canada. In addition, homicide of police officers involved in responding to domestic violence calls represents a significant percentage. Any police officer that has been involved with a considerable number of these calls where the complaint indicates that domestic violence is occurring, will relate situations where upon attempting to contenir subdue or arrest the male aggressor, they were confronted with the partner who turns on the police to protect their spouse. This is reflected in the 1982 Canadian Urban Victimization Study where it was found that 35 percent of victims did not report the assault to protect the offender.

While any prudent police officer approaches all domestic violence cases with some prudence trepidation, the training and exposure to the real problems associated with this crime are having results. Police have an increased awareness that domestic violence is a serious criminal offence, not only in the voies de faits graves aggravated assault but in other areas of criminal activity. In the area of the emotional and psychological abuse, the police have developed a much greater understanding of the issues.

As a result of the heightened awareness of this significant problem, most police forces have dedicated units to deal with this demand. One aspect of this approach is the employment of Victim Services Coordinators within the police environment. Some are staffed by regular police personnel while others have civilian coordinators. In nearly all cases there is a significant volunteer component to augment the regular staff. As the sophistication of dealing with this problem increases, the emergence of a team approach, utilizing the community services that are available, is beginning to emerge. This approach and that of the community based policing, will address some of the historical problems that have plagued this type of incident.

The victimization survey's indicate that women often do not report or are reluctant to report to THE Police incidents of this nature because:

représailles

1. Fear of retaliation or revenge by the offender,
2. Lack of information regarding legal rights and the system,
3. Fear that they won't be believed and/or will be blamed for the abuse,
4. Slow, ineffective and/or insensitive response by the police, the courts, and probation and parole officers.

The next two issues are emerging as an increasing problem with our changing ethnic population. This is also subject to proactive response by the multicultural policing approach.

Those are:

5. Immigrant women's fear that they or their partners will be deported,

6. Many refugees and immigrant women fear the police because, in their countries or origin, the police are a repressive force.

In my opinion these six (6) issues are being addressed by police administrators, prompted in no small way by forums such as the one we are attending today. [illegible]

The information available to assess the conjugal violence issue is also becoming more ACCESSIBLE readily available. Most police forces have informatisés automated records systems that can produce data regarding their agencies involvement in this area. The Canadian Centre for Justice Statistics, in conjunction with the Canadian Association of Chiefs of Police, have developed an système de rapport bc Incident Based Reporting system. This new reporting format includes all crimes but one important aspect, that was not available before, is the relationship between victims and agresseurs offenders. It also provides data on age of the victim and offenders as well as more detailed information on the location of the crime. This new Uniform Reporting Format is gradually being phased in across Canada and by 1992 it is estimated that 65 to 70% of all reported crimes will be reported in this manner. This will provide for local, regional and national statistics generated from automated police data banks, that will provide a much clearer picture of this category of crime.

Within the Province of New Brunswick a coordinated approach to this problem has been implemented. This coordinated initiative involves the Departments of Health and Community Services, Income Assistance, Education, Solicitor General and Justice. They recognized that wife abuse is a multi-disciplinary, multi-level problem in our society and cannot be answered by any one type of intervention in isolation. In the protocol, that was developed, there is a de-emphasis on mediation approach to family violence by the police and other disciplines, in the belief that such an approach does not provide adequate protection for the woman and does little to discourage the reoccurrence of assaults in the future. This approach does not appear to have been effective in reducing the incidence of wife assault.

An important aspect of the new guidelines is, that it depends on a coordinated systems approach involving simultaneous change within all components of the Justice system, Police, Courts and Corrections.

The pivotal changes in the recommended Police Policy are:

(a) that wherever there are reasonable and probable grounds to believe that an offence has taken place, the police must consider the provisions of the criminal code for laying of an information themselves rather than leaving the decision to the victim.

(b) Police, where it appears offences will continue or has been committed, must now consider the provisions of the criminal code considering the power of arrest and the removal of the offender from the premises.

(c) The police officer, after investigation, is subject to the direction of the Attorney General through the Crown Prosecutor who must evaluate the evidence and decide whether to authorize charges against any citizen because that ARE Recommended By THE Police ~~they are laid~~ by the police.

While these guidelines are generally adhered to there are some difficulties which continue to plague the police officers, who are left to implement them. In some cases the victim, after a period of reconciliation or on sober reflections, does not wish to proceed through the criminal justice system for a variety of reasons. In some cases this results in the victim committing perjury on the Stand or simply is found to be a hostile witness. When this occurs it leaves the victim bitter toward the police and the criminal justice system and more reluctant than before to ask for intervention or assistance. Given the seriousness of the crime, this provides, in some cases, for a more dangerous and isolated situation for the victim than previously experienced.

The guidelines also can exclude the application for a Peace Bond, that in some situations have been very effective. The Fredericton Police Force, through its Victim Services Unit, have utilized Peace Bonds extensively for six (6) years. It has been found that Peace Bonds, when utilized in conjunction with counselling and the referral to Community Services, has been a very effective tool in dealing with this issue.

While, as I indicated, there is some concern over proceeding by way of criminal charges, in all cases where sufficient evidence is available, there has been a considerable amount of success in this approach.

In Calgary, upon the adoption of such guidelines, a video training tape was produced for all members of that Force. This training points out four (4) important factors that this type of action accomplishes.

1. It removes the onus from the victim,

2. Recognizes the legitimacy of the complaint as a criminal incident,

3. It provides for protection of the victim,

4. It has proven to reduce repeat reported assaults.

Their program also shows some other interesting data.

1. 33% of the victims ask to have the charges withdrawn.

2. There is a 30% decrease in call backs to the location.

In the training video there are several other salient factors noted, such as three (3) distinct actions that should be contemplated.

1. When an offence has occurred and sufficient evidence is available, the offender is to be arrested, taken into custody and charges proceeded with. [illegible]

2. When there has been a minor technical offence and it appears that there is no danger, the victim is encouraged to relocate until the situation is stabilized and assistance can be offered.

3. Where there is no offence, however, there is psychological or emotional abuse and/or an obvious domestic problem, counselling services are offered to the family as well as linkage to social agencies.

Their program, like most others across Canada, also require all domestic calls be reported and the Victim Services do follow-up calls on the family.

The Police response to conjugal violence has been in transition for the past 10 years. It has moved from reluctance to becoming involved in a family dispute, feeling that the family is a sacrosanct unit and the problem is better dealt with by social intervention, to a better understanding of the phenomenon and a recognition of the criminal aspect presented. With this increased sense of empathy for the victim, comes the realization that there is probably no one solution to fit all situations, When the victim is again victimized by forcing them to submit to the system, Without alternatives, some scepticism of such an all encompassing policy is enviable.

While some could argue that changes are not rapid enough to deal with this pressing issue, I feel that there has been tremendous strides in coming to grips with this problem. Police training from the recruit, through senior management have dedicated considerable attention to conjugal violence. Police response has changed, both from the front line, through the specialized units, dedicated to handle this area. The sensitivity the from line police officer now has, is reflected in the referrals being made to the specialized units and social agencies. From an administrative as well as operational level, the inter-agency approach is another indicator on how far we have come.

With the impetus for improvement of services in this area, I am confident we will continue to see the rapid escalation of positive changes and attention given to this serious problem.

# SYMPOSIUM ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM

## BEAUSEJOUR HOTEL - NOVEMBER 7-9, 1990

## THE ROLE OF THE PROSECUTOR IN CASES OF WOMAN ABUSE

MARY BETH BEATON

I have been asked to speak about the roles and responsibilities of crown prosecutors in the criminal justice system and, in particular, the administration of woman assault cases from the perspective of the crown prosecutor.

There are some clear facts about woman abuse which cannot be more succinctly stated than in a declaration of principle issued in May of this year by the Federal/Provincial/Territorial Ministers Responsible for the Status of Women meeting in Lake Louise.

### LAKE LOUISE DECLARATION

> We, the Ministers Responsible for the Status of Women in Canada, are committed to achieving full equality for women in all aspects of life. As Canadians, we value the inherent worth and dignity of every individual and we expect all persons to treat one another with respect. Since violence and its threat are depriving many women of their ability to achieve equality, we declare that:
>
> 1. Violence against women is a crime and is punishable under the law.
> 2. Women are entitled to live in a safe environment.
> 3. Offenders must be held accountable for their behavior.
> 4. The elimination of violence against women requires a response including prevention, public education, services and enforcement of the law.
> 5. Every individual, community and government in Canada must do everything possible to help the women, children and families affected by violence; we must all work together to achieve a society free from violence.

There is no doubt that in the long run, changing public attitudes toward the male-female relationship is the ultimate solution for confronting the national crisis which violence against women is today. There is also no doubt that the criminal justice system can play a significant role in changing society's view about violence against women by men.

We have already witnessed the impact on public attitudes toward drinking and driving in the effective strategy of a national media campaign combined with increased enforcement of penalties within the legal system.

We have come a long way already. The criminal law has already recognized the "battered wife syndrome" in a revolutionary decision from the Supreme Court of Canada this year in the ANGELIQUE LAVALLEE case. The highest court in the country has aknowledged that, in some circumstances of repeated abuse, a woman can have such a sense of entrapment that she honestly believes the only way to save her own life is to kill her abuser, even though her own life is not immediately in danger at the moment she inflicts the mortal harm.

This is an incredibly dramatic extension of the ordinary law of self-defence to murder. Nevertheless, the judgment is a sound, common-sense recognition of a highly complex social phenomenon known as "tramatic bonding" between abuser and abused, the same phenomenon based on captivity such as hostage-hostage taker, prisoner-prisoner guard and so on.

The law is ready to deal with woman abuse cases. Prosecutors are ready to deal with woman abuse cases, even though the volume escalates daily and the social complexity of these cases requires the commitment of increased time spent on each individual case.

As prosecutors in woman assault cases, we are guided by instructions contained in the Family Violence section of our Public Prosecutions Operations Manual.

In that manual the number one consideration is that woman abuse is a crime and is to be treated as such.

In our focus on the accused in this scenario, we are aware that the offender will often come to court under arrest in order to prevent the repetition of the crime. In serious cases, particularly where there has been a history of violence, we are required to request a "show cause" hearing to keep the accused in custody pending his trial if he pleads not guilty or does not enter a plea. In most cases, because of the presumption of innocence, we know that the majority of accused persons will be released on a recognizance to appear at a later date for trial. In those cases, it is important to ensure that he have no contact whatsoever with the victim. In theory, this condition can have the effect of allowing the wife to stay in her home, safe from further threat from the accused. In reality, the law provides that any breach of the no-contact condition, as long as it is made known to the authorities, will result in a revocation of the recognizance and a remand to custody, pending the outcome of the case, to ensure the safety of the victim and her family until the matter is concluded in court.

When the matter is concluded, at the time of sentencing, as prosecutors we are instructed to seek sentences comparible to cases of assault between strangers. A clear message must be conveyed through the sentencing process that woman assault is a serious matter. Where sentences are inadequate, we are instructed to appeal.

In speaking to sentence, we must bring to the courts attention not only the need for incarceration in appropriate cases, but the need and availability of treatment for the accused, even if it must be made mandatory.

Firm but innovative solutions to woman assault can be found through the criminal justice system but these are responsibilities which rest on the shoulders of the judiciary and the community, as well as on prosecutors, to ensure that appropriate referrals are made and are available for the treatment of the accused, the victim and their family.

These are all guidelines which are contained in our Operations Manual and which we follow with a clear understanding of their purpose and direction.

More confusing in its application is the provision in relation to the reluctant witness. The greatest concern for prosecutors is the recognition that to one extent or another, there will always be a victim who is reluctant or unwilling to testify and who wants the charge withdrawn.

Our Operations Manual has a simple provision that states that where a complainant indicates a desire to have proceedings discontinued, in considering whether or not a charge should be withdrawn, the wishes of the victim are a consideration but not the sole consideration.

In its application this is the principle that causes the greatest problem for prosecutors. Within the justice system, we are told that woman abuse is a crime and is to be treated as such. Outside the justice system we are repeatedly told that the criminal justice system is failing women and that they should be given a choice as to whether the case will proceed to court or not. Otherwise the criminal justice system is said to be just one more example of force in the woman's life. The messages are very mixed. We as prosecutors have a dilemma.

How can we have a general rule that assault is a crime and still be responsive to the plea that the wheels of criminal justice be stopped at the simple request of the victim? *How* can we have it both ways? *Can* we have it both ways? The answer is yes and no.

To explain and understand, we need to go back to consider what the criminal law is all about, what the role of the Attorney General is in the administration of the criminal law and how prosecutorial discretion works.

The criminal law is codified in the Criminal Code of Canada as well as in other federal and provincial penal statutes. It sets out a minimum standard of conduct that is expected to be maintained *by the whole of society*, *for* the whole of society and for the protection of the public, each individual person being a member. It is intended to regulate what will be established as unacceptable conduct in a civilized society and it applies to *all its citizens*. No man is above the law.

In his turn, the Attorney General has a constitutional duty to administer the criminal law. As a public official, he has a *duty* to the *public* and his is *accountable* to the public for his decisions, which must be viewed as being impartial and *favouring no person*.

Prosecutors are agents of the Attorney General for the purpose of administering the criminal law and as such we are bound by the same duty. In making charging decisions we need to be fair, to be seen as fair and to strive for consistency of approach. That is why the "public interest" is the dominant consideration in deciding whether a prosecution should be instituted and, once a charge is laid, whether it should be withdrawn.

With these lofty principles in mind, how do we decide whether or not to charge in the first place? Prosecutors review an investigation report of the incident which is prepared by the police. We look for sufficiency of evidence, admissibility of evidence, the credibility of evidence, evidence which might be excluded by the Charter of Rights and Freedoms, as well as available defences, jurisdictional considerations and other points of law and fact. In the end the evidence must lead to a reasonable prospect of conviction based on the burden of proof beyond a reasonable doubt.

This is not to say that a prosecution will result in all cases where there is evidence of a crime. This is where the "public interest" comes in as the final and dominant consideration. Some crimes are committed in circumstances where there is a relatively minor offence, possibly a valid defence, a mistake or accident without criminal intent, a high degree of provocation, considerable remorse by the offender, a sympathetic victim, no history of previous similar conduct, illness, youth - all of these factors or some of them combined may lead to the conclusion that a prosecution may not be in the public interest. In deciding not to proceed, we are still bound to consider the public confidence in the administration of justice and not to send a message to the public that the act complained of is legal or necessarily acceptable conduct.

Taking these considerations into cases of woman assault, there may be examples where the assault is of a *minor nature*, there is no previous *history of violence* in the relationship, no previous *criminal record*, a possibility of *reconciliation*, *remorse* on the part of the offender and a victim who is not pressed to resist the process out of *fear or threat*, where it *may* not be contrary to the public interest not to lay a charge or, to withdraw the charge, once laid. The public confidence in the administration of justice may not be eroded in some of those cases. On the other hand, this is not to suggest that charges should be withdrawn in *all* such cases.

There are many excellent reasons why women are reluctant to proceed to court - fear of future or worse abuse, embarrassment and shame, emotional attachment, psychological and financial dependency, presence of children, loss of employment, loss of reputation in the community, hope for change, etc. The wishes of the victim are *always a consideration*, but not the *sole* consideration.

If the charge is to be withdrawn, it will be done in open court, in the presence of the victim with a written statement to the Crown or an oral statement on the record of the victim's wish not to proceed. This will allow the victim to "opt out" of the criminal process but provide a public record of the incident in the event that there is a future life-threatening or life-taking incident.

In the more *serious cases*, *several things* need to take place when the victim indicates that she wants to have charges withdrawn. In all cases prosecutors are instructed to *consult personally* with the victim and/or refer her to *victim/witness support services*. This is an extremely important resource, not only to assist the witness through the testimonial process, but also to give her other information about available residential facilities, treatment programs, income assistance, legal aid and to discuss other options for leaving her abusive partner. These professionals or volunteers help tremendously in explaining the *effect of prosecution in breaking the cycle of violence*. It is my experience that many women will accept prosecution as a deterrent and as part of a package of change in their lives, *if* they receive the proper support.

In serious indictable assault cases, the decision not to proceed is extremely limited and in the case of serious bodily harm or life-threatening circumstances, probably non-existent, regardless of the presence of other factors. This is a category where *personal choice* is a *consideration*, but where the individual wishes are overwhelmed by a duty owed to *all of society* to publicly condemn this kind of behaviour. Even though the vicious assault happened behind closed doors, it is not a *private matter* - it is a *public concern*.

These witnesses will be served with a summons to appear. Regardless of support services, some women will refuse to appear, or if they do appear, they will refuse to testify. If they *refuse to appear*, there will be a warrant for their arrest. If they *refuse to testify*, there is a chance that they will go to jail for comtempt. If they persist in *evading a summons*, they may well be jailed at the pre-trial stage to ensure their attendence at court.

The sad irony of the force behind the criminal justice system is that it can be the woman's *major*, and sometimes *only*, benefit and protection. Though some will believe it is patronizing to say so, lifting the decision-making responsibility off the shoulders of victims is one of the major reasons the system has historically succeeded for both the individual and the State.

In the case of woman abuse, when he says to her (as he will), "Withdraw the charges", "Refuse to testify" or "Don't show up", she can say "I can't". The fact is that, if control of the process is in the hands of public officials for the benefit for all and the system operates on uniform principles of morality and fairness, she cannot be blamed. The combination of proper pre-trial support and the shifting of responsibility for the criminal process from the shoulders of the victim will allow the course of justice to take place in most cases. Moreover, if she cannot be personally blamed for the prosecution, the woman is vindicated by a public condemnation of his behaviour. It is a system that tells him "It is not that she says it is wrong; we say that it is wrong".

Aside from the open validation of the innocence of her conduct and the wrongfulness of his, the prosecutorial process can be very empowering for the woman. If she must proceed to tell the truth, it may be the first time she has stood up to him, and if not, the first time she has done so in public. With all the power in the relationship being well-established on his side, this can be a major turning point. She walks out saying, "I can't believe that I did it." He sits there saying, "I can't believe that she did it."

The down side of this is that we don't know what happens when court is over. The world at large believes that prosecution is a deterrent. In individual cases, there is little empirical information on the deterrent or rehabilitative effect.

On the up side and at the very least, prosecution has made him accountable. If he is held publicly accountable and the blame placed firmly on his shoulders, maybe he will accept responsibility. If he accepts responsibility, maybe he will accept treatment. If he accepts treatment, then there is hope for change.

Those prosecutions that are interrupted and result in the dreadful irony of punishing the victim for refusal to participate are a high but inevitable price to be paid for living in a civilized society. All civilized societies need rules. The human condition being what it is, the rules will never operate perfectly in every case. We do not have a perfect criminal justice system.

We can, we must and we will find ways of improving it, but the basic tenets of public protection, presumption of innocence and proof beyond a reasonable doubt cannot be sacrificed in the process.

# WOMAN ABUSE

JAY Clifford
Director Young Offender and Community Services
N.B. Dept. of the Solicitor General

## A. INTRODUCTION:

Guns, knives, fists, 2 x 4's, amongst many other things, are tools of violence - violence that our communities should no longer tolerate.

It is regrettable, but necessary, that we are assembled in this room to discuss violence against women. When you cut through the "myths" of woman abuse, it is disturbing that some men cannot afford more dignity and respect towards women. It is disturbing that one in 10 female spouses/girlfriends has been abused by her male partner. It is even more disturbing that in an unpublished Atlantic Provinces survey, 24% of the men interviewed, admitted to having used violence against their partner.

This "Cycle of Violence" against abused women must be broken - a similar cyclical model that is all too visible in alcohol abusers, drug abusers and child abusers. Whether we want to believe it or not, we all share a common purpose and that is to do what we can to break the cycle of violence.

Most of us respond to women abuse after the offence has been committed. Though many of us here today may only think that our response is in our daily work routine, the truth of the matter is that the cycle of woman abuse will only be broken when we change our attitudes and enhance our responses to the problem. Such pre-occurrence responses can occur through education - an education for both ourselves and for our children.

## B. CORRECTIONAL SERVICES DIVISION

**Because of our position within the criminal justice system, Correctional Services Division of the Department of the Solicitor General responds to women abuse after the infraction offence has occurred. Correctional Services is able to respond to this problem through three major endeavours:**

1. **Victim Services**
2. **Community-Based Services, and;**
3. **Institutional Services**

### VICTIM SERVICES:

**The Department of the Solicitor General is responsible for the provision of a range of support services for victims to ensure they are adequately and fairly treated**

by the criminal justice system. Victim Services response is seen in:

a) Victim/Witness Assistance Program which basically provides information and assistance to both victims and witnesses regarding court procedures and their rights and responsibilities during criminal proceedings;

b) Victim Impact Statements by advising victims of woman abuse of the nature and requirements of such statements which may be considered by the sentencing Judge; and

Programme d'indemnisation pour les victimes de crimes

c) Compensation for Victims of Crime Program which provides compensation to victims who as a result of a criminal act, have experienced financial loss or "pain and suffering".

## COMMUNITY-BASED SERVICES:

Within Community-Based Services, Probation Services plays a significant role with instances of woman abuse; for example:

a) Probation Officers may be called upon by the Court to supervise an accused released on a Recognizance Order; this is particularly important when the accused is prohibited from contacting the victim;

b) Supervision of accused persons under a cautionnement Peace Bond;

c) Where a person has been convicted of an offence involving woman abuse, the Court may require a Probation Officer to prepare a pre-sentence report. In such instances, the Probation Officer will determine the contravenant offender's willingness to participate in treatment programs. The Court may also require the Probation Officer to contact the victim to determine her willingness or plans of reconciliation with the offender;

d) A significant role of Probation Officers is community supervision of offenders. In cases of woman abuse, Probation Officers will make every effort to place the offender in a court-ordered treatment program. In addition, on-going monitoring of the offender's program participation will continue during the term of the Probation Order. If the offender wilfully fails or refuses to enter or remain in a treatment program, then legal remedies can be pursued; and

e) finally, for those offenders released on Temporary Absence from provincial institutions, Probation Officers are required to supervise the offender in the community.

## INSTITUTIONAL SERVICES:

In New Brunswick, Correctional Services Division of the Department of the Solicitor General operates - correctional facilities accommodating over 400 offenders. Special attention is given to offenders convicted of woman abuse:

1. For persons remanded into custody by the Court, institutional officials will be required to contact the victim to determine if she wishes to communicate (letters/telephone/visits) with the offender. In

instances where the victim wishes to communicate with the accused, a correctional officer will be present to ensure that no harassment or threats are made to the victim. This same guideline applies to sentenced offenders.

2. For offenders under sentence, part of the case plan will include linkages and referrals to agencies offering treatment programs. It must be understood, that no offender is required to enter into a treatment program, unless so ordered by the Court.

3. As previously mentioned, offenders may make application for Temporary Absence to work or attend a school or a job training program in the community. As part of this process, a Probation

Officer conducts a community assessment and is required to contact the victim to determine her views on the possible release of the offender and as to what are the offender's plans. In the event the offender is to be released on Temporary Absence, the supervising Probation Officer will notify the victim and review the offender's release conditions.

In conclusion, Correctional Services Division is undertaking and, in most instances, is continuing its present efforts to provide an integrated approach to both protecting and informing victims of woman abuse; while at the same time, making every effort to ensure that offenders are provided the opportunity for treatment and change.

Thank you

JC/mm
File: Speech.Wom
November 5, 1990

[illegible]
Coalition of NB Transition Homes

## SYMPOSIUM SUR LES FEMMES VICTIMES DE VIOLENCE ET LA JUSTICE CRIMINEL

### Services offerts par les maison de transition

Le premier service doit évidemment être un abri sécuritaire. Ce mileiu peut être la maison d'un parent, d'une amie ou connaissance. Mais ces endroits sont souvent connus du conjoint, donc faciles d'accès pour lui. Ou bien ces logements sont trop étroits pour accueillir la femme et ses enfants. Il doit donc exister une alternative: ce sont les MAISON DE TRANSITION et les FOYERS D'HÉBERGEMENT D'URGENCE. Ce sont abris sécuritaires auxquels la femme et ses enfants peuvent avoir accès à n'importe quelle heure du jour ou de la nuit.

Au N.-B. il y a actuellement neuf qui reçoivent les femmes victimes de violence et leurs enfants: Fredericton, Noncton, Saint-Jean, St. Stephen, Edmundston, Campbellton, Bathurst, Tracadie et Newcastle - pour un total de 132 lits. Deux autres maisons, situées à Sussex et Woodstck devraient ouvrir prochainement, ce qui ajoutera 17 ou 18 lits. Si la femme ne connait pas le numéro de téléphone de ces maison, elle n'a qu'à faire appel aux policiers de sa région - dans des d'urgence c'est souvent un policier qui voit à son transport à la maison de transition.

Ces maisons offrent donc à la femme~~s~~ abusée un abri sécuritaire mais temporaire - 30 jours au maximum, mais ce séjour peut être prolongé, si nécessaire. Les frais de séjour sont défrayés par le Ministère de la Santé et des Services commumunautaires nous donne 80% du budget approuvé.

La plupart des maison, sinon toutes, procurent aux femmes et enfants les objects de premières nécessité, car l'urgence de leur départ de chez-elle ne leur a pas laissé le temps d'apporter leurs propres effets. Nous fournissons donc, vêtements de nuit et autres, articles de toilettes, etc. etc. Mais le plus important pour la femme est le soutien, le support et l'accompagnement qu'elle reçoit de la part du personnel de la maison. Notre accompagnement a pour but de l'aider à regagner son estime de soi, son autonomie, l'aider à vérifier les choix possibles pour elle et à prendre elle-même des décisions face à son avenir. Si la femme le désire, les personnel peut l'aider dans ses démarches sur le plans financier, social, médical, spirituel juridique, etc. Sur le plan juridique il est important que la femmes connaisse ses droits et les recours qui sont à sa portée: par exemple: la séparation légale, un engagement à garder la paix (peace bond) , une injonction restrictive. Il arrive aussi qu'un membre du personnel accompagne une femme à la cour, si elle le désire.

Les services offerts aux enfants qui accompagnent les femmes auraient besoin d'être augmentés - nous pourvoyons à ses besoins physiques et autres aussi, mais dans bien des cas l'enfant qui a été témoin de la violence entre ses parents aurait besoin d'un suivi, d'un accompagnement que nous ne sommes pas en mesure de lui donner. Dans deux des maison de transition on a les services d'un "child-care coordinator" mais le salaire d'une tel personne n'est pas accepté dans le budget que nous soumettons au Ministère. Nous croyons que ça va venir, car les normes du Ministère requiert qu'une "assistant(e) social fasse partie du personnel de chaque maison de transition.

Le personnel peut aider la mère a apporter des soins à son enfants, et à le surveillé. Cependant la responsabilité principale de l'enfant incombe à la mère.

Dans certaines maison de transition il y a des rencontres de groupe pour les femmes, organisées par le personnel.

Help line

Ligne d'écoute - plusieurs femmes continuent d'appeler la maison de transition après leur départ - pour avoir une oreille attentive, un coeur qui écoute; avoir de l'encouragement ou solliciter un conseil. Certaines maison assure un suivi après départ pour les femmes qui le désirent. Ca prend la forme d'une rencontre amicale, un groupe de soutien, de partage; des petits exposé sur le budget, la cuisine. Ce dernier service dépend de la localité et du personnel disponible. Dans trois ou quatre localités, la maison de transition a accepté d'être responsable, jusqu'à un certain point de l'habitation deuxième phase, dans des maisons ou apparments fourni par la Société d'habitation du N.-B. à des prix abordables.

Le but de la COALITION des maison de transition du N.-B. n'est pas d'ouvrir le plus de maisons possible, mais de les fermer, ce qui voudrait dire que la société est arrivée à un tel niveau de maturité - et de charité - que la violence est éliminée de notre société. Si chacun et chacune de nous vivait la règle d'or donnée par Jésus: faites aux autres ce que vous voulez qu'il fassent pour vous. (Mt. 6, 12) nous n'aurions pas même besoin de SYMPOSIUM sur la violence et la loi!

Gabrielle Maillet,
Victim Services Co-ordinator, Moncton
N.B. Dept. of the Solicitor General

To address such an illustrious group of my colleagues, peers and superiors is indeed an honor. I was asked to provide you with information on services offered by the coordinators of coordonateur Victim Services des services aux victimes in the Province of New Brunswick. I am not ashamed to say, we are a vital link in providing adequate services to victims of male violence. masculine

In my short career with the departments of Justice and Solicitor General, I have witnessed changes and progress; I have been privy to emancipated thinking ouverture d'esprit. Directives Instances are coming from above supérieures stating that domestic violence must be treated the same way as assaults voies de fait between strangers in our criminal justice system. I have seen some progress. But like anything else in the human services field, there is still too little. These are the realities.

Services to Victims of Crime is a relatively new field. The late 1970s, early 1980s, saw a wave of discontentment insatisfaction amongst victims of crime. The Rosenfeldt family was appalled at the treatment received by Clifford Olson, the convicted killer of their child, along with several other children, when he was offered money to show the authorities where the bodies of the victims layed. They started making noises, asking questions and making demands. David Nairn, Don Sullivan, and others banded together and formed organizations for and by victims of crime. The governments started taking notice.

Since then, the Federal Government has, and continues to initiate studies and is including victims in the Parole Comm. de libération Board Process. conditionnelle

The province of New Brunswick was and continues to be a forerunner in the development of services to victims of crime. In 1982, the Department of Justice established a work group to focus attention on issues related to this subject. Two pilot projects in the Campbellton and Saint John areas provided the basis of the existing Victim Services Program. In 1986-87, six full-time and part-time coordinators were hired to provide services to the Edmundston, Moncton, Campbellton, Fredericton, Bathurst and Saint John Areas.

The positions in Edmundston and Bathurst have since become full-time and we have the benefits of six para-professionals servicing additional areas or helping out in the existing centers.

Prior to five years ago, there were virtually no government resources dedicated to meeting the needs of victims of crime; except for criminal injury compensation (indemnisation contre blessures) schemes, which began to develop in the late 60s.

In 1987, New Brunswick introduced the Victim Services Act to the legislation. It is designed to provide enhanced services for Vcitims of crime.

Spends in the vicinity of 500,000, on victim Services

The province ~~has a cost shared, 50-50 arrangement with the Federal Government, to cover the $500,000. budget~~ 1/2, of which, approximately half is spent on compensation applications.

## Victim Services Program Components

In spite of budgetery restraints and limited resources, the victim services coordinators speak to, inform and assist thousands of victims and witnesses per year in the province of New Brunswick. In fiscal year 1989-90, 4215 victim/witnesses benefited from our servcies. «Altogether there were over 20,000 program contacts».

«ACETATE»

-victim/witness court based prog.
Individual served, fig. 2

There are four major aspects of the Victim Services Program. With full proclamation of the New Brunswick Victims Services Act, a fifth component will be added, again increasing the range of responsibility within the program.

Day after day, I see women who are cheated out of living in a safe and unthreatening environment.

As coordinators of victim services, we give them infromation on the criminal justice system. We let them know what will happen when it is time to go to Court. We give them information on the role of the Crown Prosecutors, Judges, Police Officers. We tell them about other services that exist in our respective communities. We talk about transition houses, legal aid, family court, income assistance and a multitude of other services.

We try to keep abreast of new and existing services available to them.

We are their advocates when it comes to a court appearance. We try to smooth off the rough edges; to clarify their positions and desires to the crown prosecutors. We attempt to demystify the criminal justice system. We make every effort to lower the level of anxiety for these women owmen. Because, believe you me, most lay persons who must appear before the Courts, as a witness and worse still as a victim, are in most cases, at their highest level of anxiety and stress.

Police officers, Crown Prosecutors and Judges are in most part very caring and human. But like other professions, when we have seen as much and as often, we tend to forget. These women, for the most part, are there for the very first time. They are scared, frightened and ALONE. They have no idea what the future holds for them.

They may have uprooted their children, they may have quit their jobs, they have taken a step in a direction that will forever change their lives. Nothing will ever be the same again.

Did you ever have the feeling that everywhere you looked, in every direction, nothing was familiar. To date, I have met two women who have disappeared from Moncton. Several others have had it suggested to them that they move from the area for their own safety. Have you ever felt that in order to stay alive and to preserve the life of your child, you NEEDED to disappear from the face of the earth? I have met such a young woman. No one knows where she lives. Not her friends and not her family. To stay alive, she left everything behind, just before her husband was released after serving a short few months in jail for attempted murder. tentative de meurtre

ACETATE «STATISTICAL HIGHLIGHTS»

What can we do for such a woman? In this case and others like her, we offer support, information and aiguillage referrals, as mentioned earlier. In addition, we do the investigation and gathering of information and documents in the application for Prestation Benefits by Victims of Crime. The compensation for Victims of Crime Act provides a maximum of $5,000. cash forfait settlement. These monies are awarded by the Province on a cost-shared basis with the federal government to help cover out-of-pocket expenses and other related expenses such as: medication, eyeglasses, dental work, therapy, loss wages, moving expenses, etc. Any expenses directly related to the crime that is not covered by any other public or private plans.

In theory, these applications could be processed in three to six months. In practice, they take upwards to one year. I have seen some take as long as two years from start to finish. And this is caused by limitations in our human resources.

Our clientele comes to us by the way of an invitation via subpeona. A note is attached to the subpeona by each police department stating that we expect victims and witnesses to attend an information session on the day of their court appearance.

Victims of male violence come to us in this fashion in most cases. But several are referred prior to their court appearances. Transition houses, police, social services and like agencies who are aware of victim services amke referrals on a regular basis. All too often, however, these agencies forget that we do exist.

More effort must be made by ourselves and others to assure adequate knowledge and the flow of information.

Some police departments in larger urban centres have the benefit of a victim services coordinator. ~~St. John~~, Fredericton and Moncton are such centres. You have heard Laurel Lewey.

The Criminal Code of Canada has since December of 1988 included a section dealing with the RIGHTS of Victims of Crime. Via the «Victim Impact Statement», the victim now has a voice in the judicial process. He/she can prepare a document, with the help of the victim services coordinator, that will spell out the effects of this crime on his/her life. This document provides information on the physical, financial and emotional impact of this crime. It is prepared after a guilty verdict is handed down, and given to the Courts before sentencing. Finally, the victims are given the opportunity to voice their feelings. Eighty-six (86) Victim Impact Statements have been presented to the Courts since November 1988. Prior to this, the victim had no recourse but to be , in most cases, totally ignored through the whole process.

The Victim Fine Surcharge became effective on July 31, 1989. Under the Criminal Code of Canada, every offender is subject to this surcharge. Either 15% in addition to the existing fine, or $35. to every non-disposition fine disposition. In both cases it is left to the discretion of the Judge.

There are many limitations when working in a field such as victims of crime.

-Not enough resources;

-Lack of knowledge on the part of the helper;

-Ignorance on the part of the helpee;

-Lack of coordination, cross reference and referrals between agencies.

There are budgetary restraints and maybe we need to be more innovative.

But, I do have high expectations in a symposium such as this one. We are all here listening and hopefully hearing what various experts have to tell us.

I do, however, have one major concern. Society's attitude. This is a stumbling block, a major obstacle. Many men still feel that they have the right to dominate their spouses, that women deserve to be abused. As a group of professionals, we must work at changing these attitudes.

Teamwork is crucial, improved services - essential. Hon. Jmaes Lockyer in September 1990 stated: «This issue is the single most important priority of the Dept. of Justice and has been for the past 18 months.»

Hon. Raymond Frenette made a committment to have Transition Houses in all areas of the province before the end of the term.

I admire ~~admite~~ such comments because it reflects the committment made by our elected representatives.

I recognize the difficult decisions and tasks our political leaders and administrators must tackle.

But all of our combined efforts and best intentions will not be sufficient to assure that women live free of threats and abuse until we have changes in attitudes.

Let us not forget who the victims are and what THEIR NEEDS ARE.

## STATISTICAL HIGHLIGHTS FOR

## COMPENSATION OF VICTIMS OF CRIME

| | Awarded | No Award | TOTAL |
|---|---|---|---|
| **1988/1989** | | | |
| Applicationn decided adjugé | 56 | 31 | 87 |
| Total Compensation Awarded | | | $189,414.06 |
| Average Compensation | | | $ 2,559.20 |
| Cases in Progress March 31, 1989 - 92 | | | |
| **1989/1990** | | | |
| Applications decided | 96 | 28 | 124 |
| Total Compensation Awarded | | | $252,452.64 |
| Average Compensation | | | $ 2,629.00 |
| Cases in Progress March 31, 1990 - 153 | | | |
| **1990/1991 (to July 31st - 4 months)** | | | |
| Applications decided | 40 | 12 | 52 |
| Total Compensation Awarded | | | $ 99,217.38 |
| Average Compensation | | | $ 2,480.35 |
| Cases in Progress July 31, 1990 - 171 | | | |

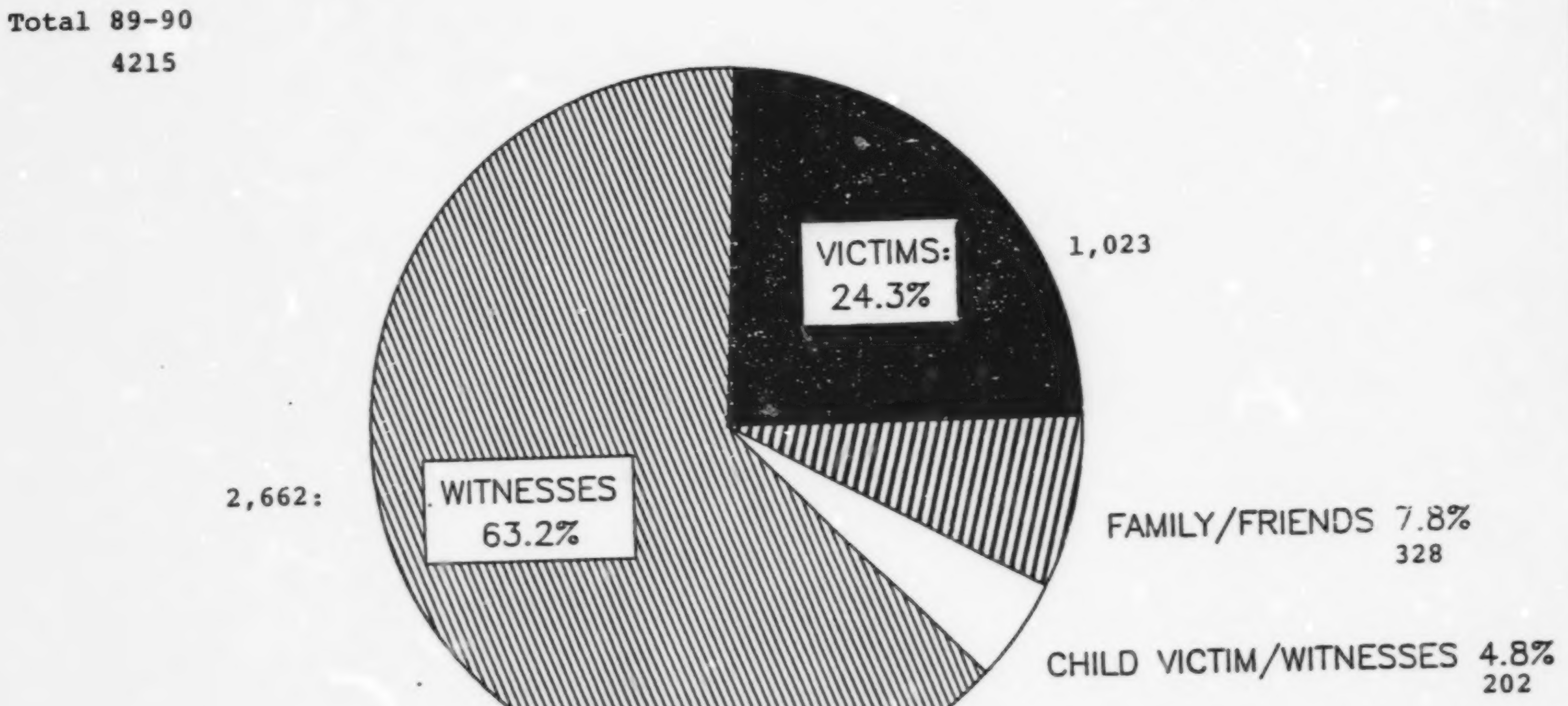
# WITNESS ASSISTANCE PROGRAM

## Court Based Witness Information Sessions

## Program Contacts

| No. Victims Served | No. Witnesses Serviced | No. Child Victim Witnesses | Contacts with Family/Friends of Victim/Witness | TOTAL |
|---|---|---|---|---|
| 1988/89 | | | | |
| 1,160 | 2,854 | 220 | 779 | 5,013 |
| 1989/90 | | | | |
| 1,023 | 2,662 | 202 | 328 | 4,215 |

# VICTIM/WITNESS COURT BASED PROGRAM
# INDIVIDUALS SERVED
## FIGURE 2



1989/90

In regions where services offered:

| | |
|---|---|
| Total Trials: | 2,241 |
| Total Preliminary Hearings: | 185 |

Services Provided to Victims/Witnesses:

| | |
|---|---|
| In Provincial Court: | 3,477 |
| In Court Queens Bench: | 198 |
| In Youth Court: | 212 |
| | 3,887 |

Mike Caravich's Speech
Presented at the
"Woman Abuse Symposiu

## FAMILY COURT SERVICES

FAMILY COURT - LIKE ANY OTHER COURT, BUT WITH CERTAIN EXCEPTIONS:

1) LIMITED TO APPLYING FAMILY LAW, SUCH AS THE F.S.A., DIVORCE ACT, AND LAWS CONCERNING CHILD WELFARE.

2) HAS A SOCIAL ARM - A COUNSELLING COMPONENT - STAFFED BY SOCIAL WORKERS WITH KNOWLEDGE OF FAMILY LAW AND FAMILY DYNAMICS.

3) WE HAVE COURTS, WITH COURT COUNSELLORS ON STAFF, SERVING EDMUNDSTON, BATHURST, NEWCASTLE, MONCTON, SAINT JOHN, AND FREDERICTON, AND SURROUNDING AREAS.

THERE IS A TOTAL OF ELEVEN COURT COUNSELLORS.

SERVICES PROVIDED:

F.C. SOCIAL WORKERS CALLED F.C. COUNSELLOR/MEDIATORS. AS SUCH, WE SEE PRIMARILY ADULT CLIENTS WHO ARE CONSIDERING A SEPARATION, OR WHO HAVE ALREADY SEPARATED, AND WHO HAVE QUESTIONS AND NEEDS RELATED TO SEPARATION, SUCH AS:

- THEIR RIGHTS & RESPONSIBILITIES (HOW DO I GET A LEGAL SEPARATION? HOW GET CUSTODY, VISITING RIGHTS? SUPPORT? ASSETS AND DEBTS. DO I NEED A LAWYER? HOW CAN I GET ONE? WHAT DO I SAY?) SO WHAT DO WE DO?

FIRSTLY, IT'S BEEN RECOGNIZED FOR A LONG TIME NOW THAT THE LAW ALONE IS NOT AN ADEQUATE INSTRUMENT FOR THE RESOLUTION OF MOST FAMILY DISPUTES CAUSED BY MARRIAGE BREAKDOWN. (I USE THAT TERM LOOSELY...) IN FACT, MANY HAVE ARGUED THAT THE TRADITIONAL ADVERSARIAL APPROACH TO APPLYING LEGAL REMEDIES HAS CONTRIBUTED TO THE PERPETUATION OF CONFLICT AND, IN MANY CASES, HAS INTENSIFIED IT.

.../2

COURT COUNSELLORS ARE THERE TO LISTEN TO THE PROBLEM, GIVE ADVICE AND INFORMATION, AND, ABOVE ALL, PROMOTE A CONCILIATORY APPROACH TO THE RESOLUTION OF FAMILY BREAKDOWN ISSUES. WE ARE NOT MARRIAGE COUNSELLORS, AND DO NOT DO FAMILY THERAPY - IF THAT IS WHAT OUR CLIENTS WANT, WE WILL HELP THEM GET THAT HELP, BY REFERRING THEM ELSEWHERE. WE PROVIDE, FREE, CERTAIN LIMITED PARA-LEGAL SERVICES, SUCH AS FACILITATING APPLICATIONS FOR SUPPORT ORDERS OR AGREEMENTS, AND REQUESTS FOR ENFORCEMENT OF EXISTING SUPPORT ORDERS AND AGREEMENTS. MANY OF OUR CLIENTS HAVE ALREADY OBTAINED LEGAL SEPARATION AGREEMENTS OR COURT ORDERS, BUT ARE STILL HAVING DIFFICULTIES, SUCH AS:

- NON-PAYMENT OF CHILD SUPPORT
- NON-COMPLIANCE WITH CUSTODY & ACCESS ORDERS AND AGREEMENTS
- CONTINUING CONFLICT OVER ANY AND ALL ISSUES, BECAUSE OF UNRESOLVED FEELINGS OF ANGER & DISAPPOINTMENT, AND A LACK OF ADJUSTMENT TO THE POST-SEPARATION REALITIES (GETTING ON WITH THEIR LIVES IS STILL OVERSHADOWED BY THE NEED TO BLAME FORMER PARTNERS, AND TO ACT THIS OUT AT EVERY OCCASION - WHEN CHILDREN ARE PICKED UP OR DROPPED OFF, PARTICULARLY, OR WHEN PAYMENTS ARE DUE.

PART OF THE TRANSITION WOMEN UNDERTAKE WHEN THEY LEAVE AN ABUSIVE RELATIONSHIP IS EMOTIONAL AND PHYSICAL. THERE'S AN INFORMATION ASPECT, AS WELL:

WE TRULY BELIEVE THAT, IF SOMEONE IS CONTEMPLATING A SEPARATION, OR HAS ALREADY INITIATED ONE, THEY WOULD BE WELL-ADVISED TO MAKE AN APPOINTMENT WITH A F.C. COUNSELLOR. THE INFORMATION AND ADVICE ARE FREE AND, I BELIEVE, EXTREMELY USEFUL. THE SENSE OF PURPOSE AND DIRECTION, THE UNDERSTANDING OF WHAT NEEDS TO BE DONE, AND WHAT SHOULD BE AVOIDED, GIVES PEOPLE SUCH EMPOWERMENT AS TO GREATLY REDUCE THEIR ANXIETIES AND INSECURITIES, AND ENABLES THEM TO BASE DECISIONS ON COMMON SENSE RATHER THEN ANGRY EMOTION.

AS GABRIELLE STATED SHE ATTEMPTS TO DE-MYSTIFY THE CRIMINAL JUSTICE SYSTEM, WE ATTEMPT TO DE-MYSTIFY THE CIVIL JUSTICE SYSTEM.

/3

OUR CLIENTS HAVE, FOR THE MOST PART, ALREADY DECIDED THAT THE MARITAL RELATIONSHIP IS ENDED, AND THAT IS THE CONTEXT WITHIN WHICH WE ARE OPERATING.

WE TRY TO HELP PEOPLE MOVE BEYOND THEIR SHAME AND ANGER, AND TO DEAL WITH THE ISSUES OBJECTIVELY AND THOUGHTFULLY, WITH CARE FOR THEIR CHILDREN'S NEEDS. WE HELP THEM TO UNDERSTAND WHAT LIES AHEAD, TO PREPARE THEM FOR IT, AND TO SEE THE WISDOM OF SPARING THEIR CHILDREN THE ANXIETY AND STRESS CAUSED BY CONTINUING TO THINK AND ACT IN ANTAGONISTIC WAYS TOWARDS THEIR FORMER PARTNERS.

WE TRY TO HELP PEOPLE NEGOTIATE WITH EACH OTHER, NOT SO MUCH FOR THE SAKE OF SIMPLY GETTING THEM TO REACH AGREEMENT, AS FOR THE SAKE OF BRINGING BACK SOME PEACE AND DIGNITY, TO ENABLE THEM TO MOVE ON IN THEIR LIVES.

ONE OF THE WAYS WE DO THIS IS BY PROVIDING MEDIATION SERVICES - THIS IS A FORMAL PROCESS, IN WHICH COUPLES MEET WITH A COURT COUNSELLOR WHO, IN ACTING AS A MEDIATOR, HELPS THEM SORT OUT AN ORDERLY PLAN FOR THE MANAGEMENT OF THEIR POST-SEPARATION RELATIONSHIP, INCLUDING COMING UP WITH A PLAN FOR THE PARENTING OF THEIR CHILDREN. THE MEDIATOR DOES NOT TAKE SIDES, DOES NOT DIRECT THE PARTIES IN ANY PARTICULAR DIRECTION, BUT MANAGES THE PROCESS SO THAT THE COUPLE IS ENABLED TO FOCUS ON THE TASKS AT HAND, IN A CONSTRUCTIVE AND OBJECTIVE WAY. A MEDIATOR MAY ALSO ACT AS A RESOURCE PERSON, ABLE TO ANSWER QUESTIONS ABOUT SUCH THINGS AS THE CHILDREN'S NEEDS, IN TERMS OF, SAY, THE FREQUENCY AND DURATION OF CONTACTS BY THE NON-RESIDENT PARENT.

BY DEFINITION, MEDIATION EMPOWERS PEOPLE TO REACH THEIR OWN AGREEMENTS.

BY EXTENSION, THIS MEANS THE PARTICIPANTS SHOULD BE BALANCED IN THEIR ABILITY TO NEGOTIATE WITH EACH OTHER. MEDIATORS ARE TRAINED TO LOOK FOR, AND CORRECT, POWER IMBALANCES. MEDIATORS ARE ALSO SUPPOSED RE RECOGNIZE WHEN POWER IMBALANCES ARE SO GREAT AS NOT TO BE ABLE TO BE CORRECTED IN THIS PROCESS, AND TO TERMINATE THE MEDIATION IF THAT IS THE CASE.

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WE BELIEVE OUR CLIENT POPULATION IS AT A HIGH RISK OF HAVING BEEN ABUSED, AND WE BELIEVE WOMEN ABUSED BY MEN ARE AT A HIGH RISK OF BEING OVERWHELMED IN A UNPROTECTED NEGOTIATION PROCESS. WE FURTHER BELIEVE THAT THE BEST PROTECTION LIES IN ENSURING THAT SUCH WOMEN ARE REPRESENTED BY INDEPENDENT LEGAL COUNSEL. OUR PROTOCOLS THEREFORE DO NOT SUPPORT THE USE OF MEDIATION IN SUCH CASES.

HOWEVER, WHAT OUR PROTOCOLS DO FOCUS ON IS THE NEED TO BE VIGILANT, AND TO HELP VICTIMS GET THE SERVICES THEY NEED. I HAVE ALREADY STATED THAT OUR CLIENTS ARE A HIGH-RISK GROUP FOR BEING THE VICTIMS OF ABUSE BY THEIR MALE PARTNERS. LET ME CLARIFY THIS A BIT BY ADDING THAT, ALTHOUGH IT HAS BEEN ESTIMATED THAT AS MANY AS 10% OF FEMAL PARTNERS HAVE BEEN PHYSICALLY ABUSED, THE PERCENTAGE FOR WOMEN WHO HAVE SEPARATED IS MORE LIKE 50%. THAT IS WHY, ALTHOUGH WE DO NOT HAVE A MANDATE TO INTERVENE IN CASES OF WOMAN ABUSE, SUCH AS THE OTHER SERVICES REPRESENTED ON THIS PANEL HAVE, WE DO HAVE A RESPONSIBILITY TO LOOK FOR THE PROBLEM AMONGST OUR CLIENTS. WE DO NEED TO BE ABLE TO SEE THE SIGNS, AND TO FOLLOW THESE UP WITH THE NECESSARY QUESTIONS, TO OBTAIN DISCLOSURE, AND TO ENSURE THAT IT IS BROUGHT INTO THE OPEN SO THAT IT GETS DEALT WITH. THE CLIENT MAY HAVE MEANT TO SEE US ABOUT OTHER THINGS, BUT IF ABUSE HAS BEEN, OR IS STILL, A PROBLEM, SHE MAY STILL BE AT RISK, DESPITE, OR BECAUSE OF, HER DECISION TO SEPARATE. SHE MAY NEED TO BE REFERRED TO APPROPRIATE SERVICES, SUCH AS THE POLICE, OR A SHELTER. SHE MAY NEED HELP TO FIND FAITH IN HERSELF, TO MAINTAIN HER DECISION TO LEAVE THE ABUSIVE RELATIONSHIP AND TAKE CHARGE OF HER OWN AFFAIRS, WITH ALL THE HELP WE CAN FIND FOR HER. SHE ALSO NEEDS HONESTY - SHE HAS TO BE TOLD IT WON'T BE EASY, AND MAY TAKE TIME, AND SHE WILL NEED TO PERSIST, AND NOT GIVE UP.

SO THAT IS WHY OUR PROTOCOLS PROVIDE GUIDELINES FOR INTERVIEWING CLIENTS IN SUCH WAYS AS TO ENHANCE THE LIKELIHOOD OF DISCLOSURE OF THE PROBLEM, IF IT'S THERE, AND TO GIVE DIRECTION FOR WHAT SHOULD HAPPEN NEXT.

I BELIEVE WE NEED TO BE HONEST WITH OURSELVES, TOO. WE WILL NOT, IN OUR LIFETIMES, SEE AN END TO THE PROBLEM OF WOMEN BEING ABUSED BY MEN, PARTICULARLY THEIR CURRENT OR FORMER MALE PARTNERS. BECAUSE, EVEN AS I SPEAK, CHILDREN ARE WITNESSING THEIR MOTHERS BEING INTIMIDATED

.../5

AND BRUTALIZED, AND THEY ARE LEARNING SOMETHING FROM IT, AND THEY ARE OUR NEXT GENERATION OF MEN AND WOMEN. THAT IS THE PARADOX: WE ARE ALL FACING AN URGENT PROBLEM THAT REQUIRES BOTH AN IMMEDIATE RESPONSE AND A LOT OF PATIENCE.

Assistant Commissioner
C.I.C. MacDonnell
RCMP, Regina.
CANADIAN CHIEFS
OF POLICE ASSOC.

Madame Chair; Mr. Minister

Distinguished Panel Members; Ladies & Gentlemen:

It is indeed a pleasure for me to join you today to participate in discussions concerning a matter of great concern to all of us. Indeed the whole issue of Victims of Crime is an area which, in relatively recent terms/years, has begun to evoke an organized and concerted response throughout society at large. It was in many respects an area which had, in the main, been left to the police, the clergy and a few social agencies.

I am here today in my capacity as a member of the Canadian Association of Chiefs of Police, Victims of Crime Committee. Our mandate is:

To make available to police agencies information that could assist them in establishing more effective services to victims of crimes or in improving the quality and range of existing services.

To assume a leadership role with regard to victim services by promoting services, ideas and changes that will further address the needs of victims and that will assist in making police agencies more effective in providing needed services.

The theme of your conference "Abuse of Women" is one with which we, as front line practitioners, are well acquainted, as I know are many of you. Some studies have suggested that incidents of spousal assault average 1,500 per 100,00; homicides involving people related to one another accounted for 39% of the 7,582 solved offences in Canada in the years 1974 - 1987; domestic homicides rose 40% between 1985 and 1987 and men who killed their wives or common-law partners were the single largest group of offenders, 37% in family homicides between 1974 and 1987.

# WIFE ASSAULT AND THE CRIMINAL JUSTICE SYSTEM

In the past several years, the incidence of woman abuse has emerged as one of the major social problems facing law enforcement agencies across Canada. Our Commissioner, in his most recent directional statement, has placed a high priority in dealing with woman abuse.

Beyond the common assault laws, there is no special law against wife assault. Nor are there specific criminal procedures or laws regulating police practices or prosecutions in the spousal assault area. The best we have are a series of guidelines and directives from our provincial solicitors, and attorneys-general on police charging and arrest practices and the prosecution of these cases.

In 1986, the Law Reform Commission of Canada proposed that in family relationships - married or common law - assault should automatically be treated as "aggravated assault" This proposal should make the courts consider spousal assault more seriously. It is not possible for women to use the Criminal Justice system to end subordination and to stop violence against them. Relying on the Criminal Justice system is problematic and perhaps the answer lies somewhere in the realization that criminal law pursues them. To the extent that it condones violence against women, it lives in our homes, in our streets and most fundamentally, in the hearts and minds of some men. As such, women in general cannot escape the reality.

What police officers and prosecutors will and won't do for battered women can depend on what jurisdiction they live in. As yet there is no single, national, uniform police charging policy that directs police to "lay an information" in cases of woman abuse/assault where there is "reasonable and probable" grounds for believing that an assault has taken place.

Across Canada there are several provincial and municipal directives, instructing police to lay charges where there are reasonable and probable grounds that an offence of alleged assault occurred.

London, Ontario in 1982 was the first city to issue a police charging directive. A year later, the Federal Solicitor General and Minister of Justice issued directives to the RCMP and Crown Attorneys in the Yukon and NWT investigating and prosecuting spousal assault cases.

The ministers had recognized that complaints of woman abuse needed more adequate investigation and prosecution where reasonable and probable grounds had been established. The directives were an attempt to rectify this situation.

Since 1983, most provincial and municipal forces have developed their own versions of policy in this regard. Advocates of battered women agree that there is a need for a policy that makes police responsible for laying the information in cases of wife assault. Such a policy sends a clear message to abusive men that wife assault is a serious crime and results in the same consequences as hitting a stranger. By having the police lay the information, theoretically at least, women are not responsible for the charge. Since the onus to proceed with charges is no longer on the victimized woman, her abuser may see that there is no longer any sense in pressuring her to drop charges. Threats, harassment and broken promises may be reduced.

The Criminal Justice system is only one part of our society which must acknowledge that wife assault is a crime. Communities must realize that the Criminal Justice system alone can't protect women. Communities must be willing to support women in many ways; by informing women about criminal injury compensation and victims assistance programs where available, as well as the specialized support of battered women's advocates. The Criminal Justice system must take a leading role in helping to make basic changes to the lives of battered women. The justice system must establish laws to protect battered women and they also need advocates and accessible legal information available to assaulted women, so they get support at every level of the Canadian Justice system.

There are approximately 270 transition houses across Canada which provide shelter and counselling to women who are abused or battered.

In Manitoba there has been a Family Violence Court set up by the Manitoba Attorney General and Crown Prosecutors to deal specifically with spousal assault and child abuse. There is also a 24 hours toll free line funded by the Solicitor General's Department.

In Alberta the Provincial Attorney General has identified spousal assault as a priority and will be dealing with it in increased educational initiatives, and also increase the number of members trained in the area of family violence.

In the province of British Columbia, Battered Women Support Services offers support, information and friendship to women who are living with an abusive partner. Those who are attempting to leave, or those who have already left, an abusive relationship.

Victim assistance programs fill the gap in smaller centres, where the caseload is manageable.

The criminal justice system cannot guarantee safety; it is no panacea for domestic violence. But it "can deter" most perpetrators where police lay charges, where the crown prosecutes vigorously and where victims receive advocacy services from counsellors who are committed primarily to their clients well being, as well as the will of law.

Only by such concerted efforts, which include the victims as ated participants in the criminal justice process, can we hope to deal effectively with wife assault through criminalization of this offence

Some success is being achieved and I would like to quote a recent appeal decision in Saskatchewan:

"In recent times considerable emphasis has been placed on cases involving domestic violence, particularly as it relates to spousal assault. In line with this topic, the Saskatchewan Court of Appeal recently passed judgement in the case Queen vs. _______, in which the accused was charged with common assault on his wife and was fined $500.00 as a sentence, after entering a guilty pleas. The accused had three previous convictions for assault and as a result the Crown appealed sentence on the basis of seriousness of the offence and as a deterrent.

In handing down their judgement, the appeal court provided a written decision which provides a clear message as to their view of spousal related assaults. The test of the judgement is as follows:

"In our view, having regard to the character of the respondent, the nature of the offence and the circumstances surrounding its commission, the sentence imposed by the learned trial Judge must be increased to give sufficient weight to the principles of deterrence and protection of the public. Although the respondent has been treated with leniency on earlier occasions, he has not responded to the consideration extended to him. Too frequently in the past somehow unimportant or less culpable than other assaults. This is not so because on numerous occasions this Court has stressed that crimes of domestic violence will usually be visited with a term of incarceration to reflect the seriousness of the offence."

In our view the sentence imposed in this case is inadequate. We are all of the opinion that a fit sentence for this offender for this offence would be imprisonment for 6 months. The Crown appeal is therefore allowed, the fine set aside and a prison term of 6 months is imposed."

Ottawa Police Force
Police d'Ottawa

THOMAS G. FLANAGAN, S.C. Chief of Police Chef de Police

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A MESSAGE FROM YOUR CHIEF OF POLICE:

TO THE WOMEN OF OTTAWA AND VANIER

It is important to me and members of my Force that residents of our jurisdiction feel a level of comfort and safety in going about their daily life activities. I am aware, however, that many women in Ottawa and Vanier are victims of spousal abuse and are at risk within their own homes. Research on wife assault in Canada has established that the violence which occurs is progressive. If a male assaults his partner and experiences no penalty for it, as time goes on, the frequency of the assaults will increase as will the level of violence. In addition, research in Ontario has indicated that the laying of charges by police officers can reduce the degree of violence or actually stop the violence in 75% of reported cases.

If you are living with a violent partner, remember, you may not be the only victim. Canadian research also estimates that over 200,000 children in this country witness spousal abuse every year, and indicates that exposure to this violence can adversely effect your children's mental health and emotional well being.

I can appreciate that there is often fear and confusion around involving the police when your husband or partner is assaultive. If you are a victim of wife assault, it is important for you to know how your police force can assist you. My Force's pamphlet on "Wife Assault" will answer many questions you have regarding how the police can help. It also contains information on civil remedies and community resources which can offer support. You can telephone the Victim/Crisis Unit of the Ottawa Police Force at 236-0311, Ext. 367, to request a copy be mailed to you. This pamphlet is also available in all community service centers, hospital emergency rooms and at Loblaws, Steinbergs and I.G.A. stores in Ottawa and Vanier.

For your own safety, and for your children, let us help.

Judge Meyers,
Provincial Court, Manitoba.

On September 17th of this year, the Province of Manitoba introduced its latest initiative in the fight against domestic violence. A new Provincial Family Violence Court, designed to hear such matters as spousal assault, child sexual assault and assaults against the elderly, began its sittings in the City of Winnipeg, under the watchful eye of a population that has been numbed by the all too frequent headlines announcing either the death of a woman at the hands of her mate, or the sexual assault of an innocent child by an adult.

As might be expected, there was criticism of the concept of a specialized court. Some lawyers opposed the project because of the possible unfairness it would create for accused persons, while others saw it as a knee jerk reaction by government to demands for action by a powerful women's lobby. Those in the latter category are obviously still of the view that an attack on anything identified with the feminist movement will result in its falling into public disfavor.

However, I can assure you that this particular court did not come about to infringe on anyone's rights, or as a capitulation to feminism.

That it is functioning today, is directly attributable to the fact that the justice system recognized that the old ways of its dealing with family violence were ineffective and required immediate addressing.

To understand how Manitoba arrived at its decision to introduce this specialized court requires a brief primer in history. I'm not going to bore you with the development of the justice system since 1870, when Manitoba entered into Confederation. If we take 1983 as a key date we would be able to see quite clearly how and why we were inevitably going to wind up with he new Court.

In 1983, the then Attorney General issued a directive instructing all police departments in the Province to charge any person who was alleged to have assaulted or threatened his or her spouse. That initiative created a dynamic that no one had contemplated. It also led to difficulties which will be referred to by me in the time at my disposal.

Up until 1983, there was a certain reluctance on the part of the police to get involved in what they perceived to be matters best left for resolution in the family court system. Unless the assault was to their thinking of a very serious nature, abused women were advised to either proceed in the family court or by way of private prosecution in the criminal court. While legal aid was and had been available since 1972 to assist in family court matters, it was not available to assist private criminal prosecutions. The criminal justice system could best be described as woefully inadequate when it came to dealing with the issue of spousal assault.

Now, with a new directive it had to adjust to new realities. The first problem encountered by the criminal justice system was the addition of hundreds of domestic assault cases to already heavy dockets. No one had estimated the loading problem.

Problem number two centred around the judiciary and Crown. Court officials who were used to such niceties as cooperative witnesses, were now faced with reluctant complainants--women who for any number of valid reasons would either not testify or fail to show at trial. Some judges spoke out and provoked complaints to the judicial council for their expression of frustration.

Newspaper headlines decried the jailing of victims who refused to answer subpoenas. To some court officials contempt was contempt.

It was not long before these frustrations prompted positive change. In September 1984, certain members of the Provincial family court, whose family law jurisdiction in the City of Winnipeg had been transferred to the federal judiciary, made themselves available to preside over spousal assault cases in the criminal division.

A domestic violence trial court was established in Winnipeg in October 1984. All wife battering trials were scheduled in this court. And, since the judges presiding had been sensitized to family issues, the court gained credibility. This credibility was further enhanced in early 1985, with the establishment of a women's advocacy program.

That particular unit comprised of social workers and women lawyers, assisted complainants by preparing them for Court and counselling them during very difficult times.

The court was further enhanced by Crown counsel who were assigned there for the better part of a year. Continuity ensured that matters of family violence were of the highest priority.

To my way of thinking a lot was accomplished.

Women, who willingly testified were treated with courtesy by a Judiciary which made it clear to them that they were right in reporting the offence, and that they were not blameworthy, nor the person who required anger control counselling.

Those women, who would not testify were not further victimized by a contempt citation. Both judge and Crown were sensitive to the fact that in many cases all that the complainant wanted was the interference of authorities to stop the beating and/to provide treatment for the offender.

However, it was not long before those operating within the system became aware of its continued shortcomings. Despite the advances made, only the surface of the problem had been scratched.

Firstly, the vast majority of domestic violence matters were still being dealt with in the regular court system. By rough count, only 33 per cent of spousal assault cases were finding their way into that trial court. It was not difficult for defence counsel to direct cases into any number of courts, where they could be assured of more advantageous plea bargaining deals.

Secondly, countless remands delayed matters for many months. By the time the cases reached the domestic trial court any number of things might have occurred, resulting in complainants having second thoughts about testifying. As many cases were aborted at trial as were heard.

It was time for yet another new approach.

In December 1989, the provincial justice department undertook to have its Research and Development Branch examine the feasibility of an enhanced family violence court. This court, it if came into operation would deal with the vast majority, if not all of the family violence cases that arose in the City of Winnipeg. I would point out that the population of Winnipeg comprises half of the population of the entire province of Manitoba.

There would be several advantages to the establishment of such a court.

(a) The Court would control cases from first appearance, ensuring speedy resolve to matters as delays would be kept to a minimum. Delay is a useful defence strategy in spousal assault matters, as it gives the accused time to work on the psyche of a vulnerable complainant--usually by way of begging for forgiveness and promising never to hit her again if she'll only notify the Crown prosecutor or the court that she does not want to proceed with the matter.

A specialized court would ensure that pleas would be entered within a week or two after particulars were provided the defence. Trials or preliminary hearings would be scheduled within a reasonable time.

Those who chose to plead guilty at an early stage, and who showed genuine remorse for their actions could receive the benefits of anger management counselling. Research has shown that early intervention is an important feature in facilitating participation by abusers in treatment programs. Often when a period of time has elapsed the abuser feels less responsible for the offense.

(b) Victim input through the women's advocacy program or through the Crown would be assured at the outset. A complainant would not be shunted from Crown to Crown. Another barrier would have been broken down.

(c) The Judges and Crown of the special court would be sensitized to issues surrounding family violence, and would attend and participate at lectures, seminars and conferences dealing with gender bias issues.

(d) Vertical prosecutions would be a consideration, and the same Crown counsel would handle a matter from the outset to appeal. This would do away with the passing on of files, which caused concern for victims.

(e) Resources could be better utilized in a specialized court. Women's advocacy would be able to ensure full time attendance in one court as opposed to running from court to court. Assisting the victim would be easier to accomplish, and the freeing up of time would enable court reports to become available at an earlier time.

An implementation committee was established earlier this year, and its mandate included the overseeing and monitoring of the new court; ongoing liaison with personnel in the system; liaison with the judiciary in the Court of Queen's Bench to integrate a comprehensive response for related family violence cases transferred to that level; the review and approval of guidelines regarding the applicable offences to be routed to the new court; and the examination of the feasability of expanding portions of the court to rural areas of Manitoba.

Arlene Gaudreault
Plaidoyer-Victimes
Quebec.

# Communication au colloque de Moncton
## Le 7 novembre 1990

(a group of victim advocates)

L'Association Plaidoyer-Victimes est un organisme sans but lucratif qui a été fondé en 1982. Elle est née à un moment où les portes étaient fermées pour la plupart des victimes d'actes criminels. Les seules ressources qui commençaient à se développer étaient dans le domaine de la violence conjugale, de l'agression sexuelle envers les femmes et de la protection envers les enfants. Les membres-fondateurs ont été d'abord sensibles au fait que la plupart des victimes ne recevaient aucun service, qu'elles étaient laissées à elles-mêmes.

family violence

L'Association, dès le départ, s'est définie comme un comité d'assistance aux victimes. En 1984, Plaidoyer-victimes mettait sur pied le premier centre d'aide aux victimes au Québec. Dans la même période, naissait quatre autres centres financés par le ministère du Solliciteur général du Canada. Spontanément, l'Association a appuyé ces premiers organismes d'aide. Elle est devenue rapidement un lieu où les intervenants pouvaient recevoir du support, développer des modèles d'interventions, établir une collaboration avec d'autres organismes.

Après un ou deux ans, ces centres ont dû cesser leurs activités, faute de financement. Plaidoyer est alors demeurée l'unique ressource pour nombre de victimes. Nous avons continué à offrir de l'assistance, de l'information, de l'accompagnement aux victimes. Nous avons rempli ces fonctions **de suppléance** à une époque où notre Association n'avait aucune forme de financement et où elle ne pouvait compter que sur le bénévolat d'un nombre restreint de membres.

Ce rôle était important mais il n'était pas suffisant. Il nous est apparu très rapidement qu'on devait élargir notre mandat. On ne pouvait se limiter à devenir nous-mêmes un centre d'aide et qu'on ne devait pas non plus se restreindre à faire des représentations sur une base locale. A cette époque, tout était à faire ou presque ! Les programmes et services d'aide étaient quasi-inexistants. Les organismes et les intervenants travaillaient en vase-clos. Beaucoup d'intervenants étaient encore peu sensibilisés aux besoins spécifiques des victimes et aux conséquences de la victimisation. Les victimes ou leurs proches n'étaient aucunement représentés pour faire valoir leurs droits et leurs intérêts.

isolation

Il fallait donc travailler en concertation avec plus de professionnels et d'organismes, intéresser d'autres partenaires à la cause des victimes d'actes criminels et ce, dans toutes les régions du Québec. C'est à partir de ce moment-là, en 1984, que Plaidoyer-Victimes s'est incorporée, est devenue un organisme à vocation provinciale et s'est donnée les objectifs suivants :

- développer et diffuser des connaissances sur la situation des victimes,
- influencer le législateur, les ministères et les organismes compétents pour le bénéfice des victimes;
- informer et de sensibiliser le public et les intervenants,
- appuyer l'expansion et la permanence d'un réseau de services,
- susciter des projets d'intervention et de recherche,
- favoriser la coordination et la complémentarité dans le travail auprès des victimes.

**Qui sont nos membres ?**

Le petit noyau initial de membres-fondateurs (6 à 7 personnes) s'est agrandi progressivement en allant chercher de nouveaux collaborateurs. Aujourd'hui, Plaidoyer regroupe une centaine de membres de milieux très diversifiés. Ce sont des représentants des centres d'aide, des services sociaux, des services de santé, de la police, de la law magistrature, des maisons d'hébergement pour les femmes victimes de violence conjugale, des services d'indemnisation, des organismes communautaires, des services d'aide aux employés (ex : institutions bancaires), des services correctionnels et des commissions parole comm de libération conditionnelle (fédérale et provinciale), des principaux ministères concernés par les dossiers des victimes. Les victimes y ont leur place et c'est un lieu où elles peuvent s'exprimer et s'impliquer.

L'Association est supportée par un conseil d'administration, responsable de la planification et de l'organisation des activités, du suivi des dossiers. Nous rencontrons nos membres trois fois par année en assemblée générale. Ces réunions nous permettent de préciser nos orientations, d'élaborer les projets, de partager des informations.

Notre structure est unique au Québec et à travers le Canada où on ne trouve pas de groupe semblable au nôtre. Nos membres fournissent à l'Association une expertise très diversifiée. Chacun apporte ses compétences, son expérience auprès des victimes que ce soit les jeunes enfants, les femmes violentées, les personnes âgées, les victimes d'agression sexuelle ou les employés victimes au travail. Un de nos objectifs est de décloisonner les pratiques. Par ce type de regroupement, nous ne travaillons plus chacun de notre côté mais nous mettons nos efforts en commun dans des projets ou des démarches visant à faire reconnaître les droits de toutes les victimes, sans exception. C'est aussi une façon de se solidariser autour de la cause des victimes plutôt que d'avoir une vue fragmentée sur certaines formes de victimisations. Surtout, c'est là un meilleur moyen d'atteindre notre objectif le plus important : la concertation ! multidisciplinary approach pooling of expertise

En retour, Plaidoyer-victimes alimente aussi ses membres. Dans leur travail, les intervenants vivent de l'isolement, de l'épuisement. Ils ne sentent pas toujours encouragés dans leurs efforts. Ils se butent souvent au manque de ressources, à l'incapacité de répondre aux demandes de leurs clients. L'Association est **un lieu** où ils peuvent trouver un appui.

## Représenter le point de vue des victimes auprès du législateur

Depuis le début, Plaidoyer-Victimes est un porte-parole privilégié pour faire entendre le point de vue des victimes auprès de ceux qui élaborent les lois, qui définissent les politiques et les programmes d'action. Nous avons acheminé aux instances gouvernementales, aux commissions ou groupes de travail concernés, nos commentaires par le biais de mémoires et d'analyses.

Le fait d'être un organisme sans but lucratif nous laisse plus d'autonomie au plan de l'action. On peut se permettre davantage de jeter un regard plus critique sur les politiques et programmes gouvernementaux.

Au Québec, nous avons accompli énormément de travail pour faire la promotion des droits et des services aux victimes. Ces efforts ont porté fruit. En 1988, le ministère de la Justice du Québec adoptait une Loi sur l'aide aux victimes d'actes criminels. Cette loi reconnaît des droits aux victimes et elle a amené la mise en place d'un Bureau d'aide aux victimes.

Services to Victims of Criminal Offences Act ?

Cet organisme provincial est chargé notamment de développer des programmes d'aide. Sept centres ont été créés afin d'offrir des services aux victimes dans différentes régions du Québec. Cela répond à des demandes que nous avons formulées à l'endroit du ministère à maintes occasions. Nous nous réjouissons de voir qu'il y a un peu plus de volonté de la part des politiciens d'améliorer le sort des victimes.

En 1986, l'Association a mis sur pied un comité d'orientation chargé d'étudier la possibilité d'expérimenter la déclaration de la victime dans le district judiciaire de Montréal. Ce projet a été confié à Plaidoyer-Victimes qui a été chargé de le mettre sur pied et de l'évaluer entre en 1987 et 1989. Il a été financé par le ministère de la Justice du Québec et du Canada et a été mené en étroite collaboration avec les services policiers, les services de probation, les services judiciaires, les centres d'aide, le bureau des procureurs de la Couronne et les juges de la Chambre criminelle à Montréal.

steering cttee

Les victimes ont été invitées à faire connaître les conséquences de leur victimisation qu'elles soient d'ordre psychologique, physique, sociale et financière au juge avant le prononcé de la sentence. Un questionnaire très simple leur a été envoyé par la poste ; il s'adressait aux victimes de crimes contre la personne et aux victimes d'introduction par effraction. Elles devaient retourner ce questionnaire une fois rempli. En plus de leur donner la possibilité de faire connaître leurs préjudices au tribunal, nous offrions aux victimes des services d'information, de référence, d'accompagnement dans leurs démarches. Certains types de victimes (ex: personnes âgées, enfants, victimes gravement perturbées) pouvaient recevoir une aide personnalisée pour compléter ce questionnaire ou de l'assistance pour surmonter les traumatismes liés au crimes.

rendering of sentence

break and enter

Des expérimentations semblables ont été menées dans quatre autres provinces mais selon des modalités un peu différentes. Le projet québécois a été une réussite. Le taux de réponse des victimes a été de 45% et nous avons pu rejoindre près de 4000 victimes pendant les deux années d'expérimentation. Le projet de Loi C-89 est venu consacrer cette disposition au Code criminel canadien. Depuis avril 1989, le ministère de la Justice du Québec assume la responsabilité de l'application de la déclaration de la victime et il travaille actuellement à son implantation dans les autres districts judiciaires du Québec.

entrenched

statement

La réalisation de ce projet a permis de reconnaître le droit aux victimes de prendre part à une des étapes décisives de la procédure judiciaire et de s'exprimer quant aux circonstances entourant le crime et ses conséquences. A travers ce projet, nous avons aussi fait la preuve que la concertation est un support véritable à l'action.

Et nous croyons qu'il faut aller plus loin. Nous essayons de convaincre d'autres partenaires du système de justice pénale de l'importance de considérer le point de vue des victimes. Nous croyons notamment que la déclaration de la victime devrait être transmise dans le dossier du détenu. offender Elle pourrait ainsi être portée à l'attention des services correctionnels et des commissions ~~probation~~ de libération parole conditionnelle. Ceux-ci seraient davantage en mesure d'apprécier la gravité du crime et son impact sur la victime. Une meilleure connaissance des circonstances du offence délit, de l'agir de l'agresseur pourrait influencer l'évaluation du detainee détenu en vue du classement et son accès aux programmes de libération progressive unconditional discharge ou totale. Bien entendu, nous croyons qu'une telle mesure ne devrait jamais être prise sans le consentement explicite et éclairé des victimes d'actes criminels. Mais nous sommes convaincus qu'il faut redonner la parole aux victimes, leur donner la possibilité de dire ce qu'elles ont vécu et de prendre part plus activement au processus judiciaire et pénal.

Nous avons eu plusieurs autres occasions de manifester notre engagement et notre intérêt pour la question des victimes au cours des dernières années. Nous avons en effet connu de nombreux changements au plan législatif : amendements au Code criminel canadien, projet de review refonte de la Loi d'indemnisation des victimes d'actes criminels, pour n'en nommer que quelques-uns... Nous avons vu émerger aussi maints comités tant au Québec qu'au Canada qui se sont penchés à titre divers sur la situation des victimes d'actes criminels (Groupe fédéral-provincial, Comité sur les infractions sexuelles à l'égard des enfants, Comité de la santé mentale, Commission sur la détermination de la peine, Comité sur les abus exercés à l'endroit des personnes âgées, etc)

En matière de violence conjugale, Plaidoyer-Victimes a eu l'occasion de réagir ponctuellement à des événements d'actualité, de donner son appui à d'autres groupes ou organismes dans des causes particulières, d'acheminer des mémoires sur des politiques gouvernementales. A travers ces divers dossiers, nous avons d'abord raffirmé la nécessité de traiter ces crimes aussi sérieusement que d'autres crimes dans notre société et d'assurer la protection des victimes. Dernièrement, lors d'un colloque organisé par la police de Montréal, nous avons dénoncé le fait que les policiers ne communiquent pas avec les femmes pour les informer que leurs conjoints avaient été remis en liberté au moment de la court appearance comparution. Nous avons également rappelé l'importance d'une intervention rapide de la police lorsque les femmes leur signalent que leurs conjoints enfreignent les conditions qui leur ont été imposées et qu'elles continuent à subir du harcèlement et des menaces. Les femmes doivent quasiment se battre pour obtenir l'intervention de la police. Nous avons questioned remis en cause le pouvoir discrétionnaire du policier lorsqu'il décide de ne pas porter plainte dans les dossiers de violence conjugale et ce, même si certains corps policiers ont des directives très claires à cet effet. Un trop grand nombre d'entre minimise eux banalisent l'impact du crime sur la femme et les enfants ; dans certains cas, ils portent des jugements de valeur (la victime n'est pas coopérante, elle est responsable de ce qui lui arrivé) qui biaisent leur intervention. Ce sont là des comportements que nous devons continuer à dénoncer.

Nous avons fait valoir que toutes les victimes doivent pouvoir s'adresser à National Parole Board la Commission nationale des libérations conditionnelles afin de faire connaître les conséquences du crime et leurs craintes face à la libération éventuelles du détenu. Dans les dossiers de violence conjugale, nous avons insisté sur le fait que les victimes devraient être informées de la date de libération, des conditions spécifiques qui sont imposées au libéré (ex: interdiction de communiquer). Lorsqu'il y a des menaces envers les victimes, nous avons rappelé que celles-ci et leurs proches ont droit à la protection ; dans le même sens, nous avons demandé à ce qu'on s'assure de la confidentialité de certaines données transmises par les victimes. Nous avons parlé aussi de la nécessité de mieux former les Parole Board members commissaires des libération conditionnelles. Ces derniers ne sont pas toujours sensibilisés à la problématique des victimes de violence conjugale, ils ignorent souvent quelles sont les ressources disponibles dans la communauté. Ils minimisent parfois cette problématique encore parfois identifiée à des "troubles de ménage" family problems ou encore ils ne démarquent pas suffisamment les "voies de fait" assault et la violence conjugale. S'ils sont plus sensibles à cette problématique, ils vont mieux évaluer les risques de dangerosité et ils vont aussi imposer des conditions plus appropriées.

Screening

A l'instar de d'autres groupes, nous avons parlé de l'importance de faire du dépistage et d'offrir des programmes d'aide pour les enfants ou témoins de la violence conjugale. Nous avons aussi insisté sur la prévention en milieu scolaire afin de sensibiliser les enfants à de nouveaux modèles de relation entre l'homme et la femme et sur l'importance d'offrir des ressources alternatives pour supporter les familles en difficultés. Enfin, nous avons invité les gouvernements à reconnaître l'expertise développée par les intervenants dans le domaine de la violence conjugale et à financer adéquatement les ressources communautaires en place. Bref, nous n'avons fait qu'identifier certaines avenues où les gouvernements devraient manifester des engagements plus fermes. Le discours n'est pas nouveau mais les changements se font toujours attendre ! Il faut continuer à parler au nom des victimes parce qu'elles sont isolées et qu'elles ont souvent peur de revendiquer ce qui leur revient.

Présentement, nous travaillons sur d'autres dossiers : sur la révision du programme d'indemnisation, sur un projet de Loi provincial dont un des articles vise à dévoiler (divulge) l'identité des victimes aux médias. Nous allons aussi rencontrer un comité gouvernemental chargé de recueillir des suggestions sur l'intervention en situation d'urgence, suite aux événements qui ont entraîné la mort de 13 jeunes femmes à l'Université de Montréal il y a un an. Nous allons déposer prochainement un rapport d'analyse sur l'abus et la négligence auprès des personnes âgées.

En fait, notre action se situe dans tous les domaines où les victimes sont impliquées et nous nous intéressons à toutes les formes de victimisations. Nous sommes très sollicités comme expert et consultant sur toutes les questions qui concernent les victimes. Malgré nos ressources limitées, nous nous efforçons de représenter le point de vue des victimes dans chaque dossier. Il s'agit d'un apport essentiel car, au Québec comme ailleurs au Canada, les victimes ne sont pas regroupées et elles n'ont aucun représentant.

## Information et sensibilisation

Depuis 1982, Plaidoyer s'implique pour mieux informer, sensibiliser le public et les intervenants aux besoins des victimes d'actes criminels, faire connaître l'évolution et les changements dans ce domaine. Nous avons participé régulièrement à des émissions de télévision et de radio, à des rencontres avec des intervenants, des groupes d'étudiants et de citoyens et à diverses publications.

Nos membres ont été régulièrement sollicités pour faire des exposés dans des journées d'étude et des colloques tant provinciaux, que nationaux et internationaux. Plaidoyer-Victimes a participé aux congrès annuels de (Nova) l'Organisation nationale pour l'assistance aux victimes aux Etats-Unis. L'Association était également présente lors du premier colloque de (Cova) l'Organisation canadienne pour l'assistance aux victimes en mai 1988. La Fédération mondiale de la santé mentale nous a demandé de déléguer un de nos membres à trois reprises lors des assemblées internationales touchant les victimes d'actes criminels. Plaidoyer a aussi eu le privilège d'être invitée par l'Organisation des Nations-unies :

- aux réunions préparatoires à la Déclaration des principes de justice relatifs aux victimes en 1984 ;
- aux réunion d'experts visant la mise en oeuvre de la Déclaration à New-York et Syracuse en 1985 ;
- à des ateliers internationaux à New-York, Dubrovnik et à Tel-Aviv.

Depuis 1985, nous publions un Bulletin d'information annuel qui a rejoint plus de 1000 intervenants et organismes. Ce Bulletin approfondit un thème particulier. Cette année nous avons décidé de publier un Bulletin de liaison trimestriel afin de rejoindre plus souvent l'ensemble de nos collaborateurs et d'intéresser de nouveaux partenaires. Nous voulons aussi que l'information (sur les services, la recherche, les publications, les expériences en cours) soit plus largement diffusée et avoir plus de contacts avec les intervenants et les ressources en région.

## Support aux intervenants

Depuis ses débuts, Plaidoyer-Victimes supporte le travail des intervenants. Là encore, nous nous sommes engagés dans des actions tangibles : journées de formation, organisation de colloques provinciaux dont le dernier en octobre 1989 a permis de rejoindre 400 participants de toutes les régions du Québec et des principaux secteurs d'intervention. En février

1990, nous planifions une session sur l'intervention en situation de catastrophe avec l'équipe de NOVA.

Nous avons publié un Guide d'intervention qui a été diffusé auprès de 1000 organismes et intervenants (policiers, travailleurs sociaux, personnel des services de santé). Ce Guide décrit les différentes formes de victimisations, présente des normes de conduite auprès des victimes.

## Nos difficultés

Depuis 1982, nous n'avons jamais eu de financement de soutien récurrent. Notre survie a toujours été dès plus précaire. Si nous faisions la liste des demandes au fédéral et au provincial, si nous comptabilisions le temps consacré au bénévolat, je suis certaine qu'on nous donnerait une médaille pour notre persévérance et notre combativité. Pour continuer notre travail, il nous a fallu être inventifs, faire beaucoup avec peu et constamment faire appel à la générosité de nos membres. Jamais, ils n'ont refusé de nous donner de leur temps, de leurs ressources et ils n'ont jamais hésité à nous faire profiter de leur expertise.

Nous avons dû nous débattre pendant trois ans pour obtenir un numéro comme organisme de charité. Nous avons fait notre première campagne de financement en mai 90. Pour un organisme voué à la défense des droits et des intérêts des victimes, recuillir des fonds est une tâche difficile. Le grand public est encore peu sensibilisé à la situation des victimes ; les entreprises privées sont très réticentes à financer des organismes qui ne sont pas impliqués dans ce qu'ils appellent des services directs. Ils ont tendance à nous définir uniquement comme des organismes de "lobbying" et ils ne voient pas toujours en quoi nos actions d'information, de sensibilisation et de formation peuvent aider concrètement les victimes. Ils sont par conséquent hésitants à nous soutenir.

Les victimes ne sont pas une priorité pour aucun ministère. Dans ce secteur, l'aide financière est donnée au compte-gouttes. Au Québec, les quelques fonds disponibles vont à l'implantation du réseau de centres d'aide. Il n'y a pas de place pour un groupe comme le nôtre dont le mandat est avant tout de défendre les victimes et de faire la promotion de services. Reconnaître ce travail-là, c'est un luxe !

Parce que nous manquons de ressources, nous manquons aussi de visibilité dans la communauté. Il nous est difficile par exemple de réagir rapidement aux événements de l'actualité lorsque les victimes sont concernées et de défendre leurs intérêts sur la scène publique. Nous ne pouvons pas non plus prendre part à de nombreux événements, être des porte-parole actifs dans les médias. Cela engendre évidemment beaucoup de frustrations. Nous sommes très conscients de tout ce qu'il y a à faire pour améliorer le sort des victimes. Nous avons cependant peu de moyens pour faire avancer nos dossiers comme nous le souhaitons.

Nous ne pouvons pas non plus travailler aussi étroitement que nous le voudrions avec les organismes et les intervenants en région. Nos projets de collaboration avec les régions sont tributaires des ressources dont nous disposons. Cela est vrai pour Plaidoyer-Victimes et pour de nombreux organismes communautaires qui ne peuvent participer à nos rencontres ou comités de travail (à cause des distances et des coûts). Cela nous limite considérablement au niveau de l'action que nous souhaiterions mener à l'échelle provinciale. Nous y perdons beaucoup car nous nous privons de la richesse et de la compétence de ces interlocuteurs.

## Conclusion

Malgré les difficultés, nous n'avons jamais remis en question le sens de notre action. Nous demeurons convaincus que l'Association demeure essentielle pour faire avancer certains dossiers, pour activer la volonté de ceux qui prennent les décisions, pour continuer à faire la promotion des droits et des intérêts de toutes les personnes qui sont victimes de crimes. Elle est un porte-parole nécessaire pour les victimes et leurs proches lorsqu'ils veulent se faire entendre. Ce rôle nous est de plus en plus reconnu et Plaidoyer-victimes a développé une bonne crédibilité en ce sens auprès des intervenants, des organismes et des ministères.

Nous sommes convaincus aussi que la concertation dans ce domaine est nécessaire. Essentiellement, tout ce que nous avons fait pour les victimes depuis 1982 a rendu possible grâce à la collaboration avec nos membres et grâce à la mise en commun de nos efforts.

Je pense que la formule sur laquelle repose l'Asssociation Plaidoyer-Victimes pourrait être intéressante pour d'autres provinces. On tente présentement de jeter les bases d'une Association canadienne pour l'assistance aux victimes. Avoir des associations provinciales permettrait certainement de coordonner le travail dans le domaine de l'aide aux victimes et c'est probablement un jalon qui faciliterait les efforts au plan canadien.

Arlène Gaudreault
présidente
Novembre 1990

Colin MEREDITH
ABT. Associates, Ottawa, Ontario

The subject of my brief speech this afternoon is the evaluation of a number of treatment programs for wife batterers that our firm conducted in 1989 and 1990 for the Ontario Ministry of Correctional Services.

Before I describe the evaluation, I would like to give you a bit of background on the treatment programs themselves, and on the Ministry's role in the provision of these services.

In 1989, the Ministry was providing partial funding for 18 batterer's treatment programs across the province. All of the programs were receiving support from other sources, with the largest other source being the Ministry of Community and Social Services. There also existed at that time perhaps 50 or more other batterer's treatment programs not in receipt of support from Correctional Services.

The rationale for Correctional Services being in the business of supporting batterer's treatment programs was that some proportion of the clients of these programs would be participating in treatment as a condition of sentence. So, the Ministry was, in effect buying space in the treatment programs for its clients, meaning men who had been convicted of assaulting their wives or female partners.

It is worth noting that the Ministry had developed a reasonably detailled model for the treatment services being purchased from the programs under contract. However, the fact that the Ministry was a 'minority' funder of the programs, and the fact that little was done by the Ministry in terms of auditing compliance with its model meant that the programs funded by the Ministry varied in a number of ways, and conformed to the Ministry's model in some cases more than others.

In order to give you a sense of the nature of the treatment programs we evaluated, I would like to run quickly through a list of fundamental program characteristics, noting the range of differences in these characteristics across programs.

- Duration of treatment ranged from 12 to 20 weeks

- Proportion of treatment clients who were court-mandated ranged from 25% to 100%

- Most but not all programs had two counsellors per group. In some cases, both were males; in others one was male and one was female

- The treatment philosophies of the programs included both psycho-educational approaches involving teaching and group therapy, and feminist approaches emphasizing attitude and behaviour change regarding sex roles. Many programs involved elements of both of these general philosophies.

- The degree of contact with the partners or spouses of treatment clients was generally limited to a brief contact with some of these women when treatment was starting. Few programs had any routine contact with the spouses or partners either during or after the conclusion of treatment. [3 MINUTES]

- Some of the programs had routine contact and involvement with transition houses in their areas. Others operated with little such contact.

Turning now to the evaluation itself, it came about in part as a result of the Government of Ontario's Family Violence Initiative, a series of research and program activities aimed at developing a coordinated response to the problem of family violence across the province. Aside from this government-wide initiative, the Ministry of Correctional Services was itself interested in learning more about the effectiveness of the treatment programs it was supporting.

Before I get into my description and discussion of our evaluation, I would like to spend a couple of minutes on the pitfalls of evaluating batterer's treatment programs. As will be revealed to you shortly, our awareness of these pitfalls did not always keep us out of them. At a minimum, however, our awareness of these problems enabled us to interpret our findings with a clearer understanding of their limitations.

The principle methodological weaknesses of previous research on the effectiveness of batterer's treatment programs can be summarized under the following headings:

(SLIDE 1)

- Attrition from treatment -- most evaluations calculate their success rate in terms of program completers, meaning those who stuck with treatment from beginning to end. However, it is not uncommon to have one-third of those who start treatment drop out before the conclusion of the program. The problem this creates in assessing the effectiveness of the treatment is that it is impossible to know whether it is only those were ready to improve anyway who completed treatment while those who would not have shown the desired improvement dropped out.

- Lack of a comparison group -- most evaluations look only at the treatment group, and not at any untreated control or comparison group. As a result, it is impossible to know how many of those treated would have improved even without treatment, perhaps due to being charged criminally, or to the effects of family or peer pressure.

- Breadth of measures -- most evaluations have focussed on violent behaviour, and have not looked beyond physical violence to other forms of abusive or controlling behaviour. As a result, it has not been possible in past evaluations to know whether reductions in physical violence have been accompanied by increases in, for example, verbal abuse and threats, or whether reductions in physical violence have generalized to these other forms of abuse, leading to their reduction as well.

- Length of followup -- Some evaluations do not collect data on client behaviour past the conclusion of treatment. Of those that do client followups, most collect data from six months or so after treatment. Realistically, this is not a very long followup period. However, the difficulties of tracking clients over longer periods of time mean that longer followup periods are rarely attempted.

- Followup response rate -- refers to the proportion of clients who completed treatment who can be contacted to obtain followup data. Typically, this proportion ranges across evaluations from 25% to 50%. The risk posed by the use of these limited data is that the clients who can be contacted

# METHODOLOGICAL DIFFICULTIES IN EVALUATING TREATMENT PROGRAMS FOR WIFE BATTERERS

- ATTRITION FROM TREATMENT
- LACK OF A COMPARISON GROUP
- BREADTH OF MEASURES
- LENGTH OF FOLLOW-UP
- FOLLOW-UP RESPONSE RATE
- ACCESS TO VICTIMS
- VICTIM CORROBORATION

SLIDE 1

are those who are most cooperative and stable and are therefore the most likely to show the desired improvement. Elimination from the evaluation database of the other clients who cannot be contacted is likely to make the treatment appear more effective than it otherwise would.

- Access to victims -- Some evaluations do not take account of the degree of access of the batterer to his spouse or partner in calculating success rates. For example, some treatment clients may be under a court order to stay away from their spouses. These orders may be complied with to varying degrees. Other clients will be cohabiting with their spouses throughout the treatment period. What needs to be taken account of in evaluations of batterer's treatment is the extent of access treatment clients have to their former victims, so that lack of opportunity to abuse is not mistaken for treatment effectiveness.

[7 MINUTES]

- Victim corroboration -- most evaluations rely on self-report data provided by treatment clients. These data are subject to criticism as to their reliability, given the temptation and probably the tendency on the part of treatment clients to report improved behaviour on their part whether accurately or otherwise. An important source of corroborative data on the client's behaviour is of course his spouse or partner. Requiring that an evaluation collect this type of data means that databases will be limited to clients having access to a spouse who is willing to provide this corroborative information. This has rarely been done.

Having briefly outlined a fairly lengthy list of the difficulties posed by attempts to evaluate batterer's treatment programs, I will now move on to a description of our evaluation methodology, and of our findings.

[8 MINUTES]

Of the 18 treatment programs receiving support from the Ministry in 1989, nine were selected to participate in this evaluation. The principle basis for selecting these nine programs was that they had relatively large numbers of clients starting treatment during the evaluation period.

We limited the evaluation to treatment clients who were in regular contact with their spouses or partners, in order to avoid the access to the victim problem I referred to a moment ago.

(SLIDE 2)

Our general evaluation design involved assessments of client behaviour on three separate occasions by both the clients themselves and by their spouses (for corroborative purposes).

## EVALUATION DESIGN

| | Assessment Point | | |
|---|---|---|---|
| | Pre-Treatment | Post-Treatment | Six Month Follow-Up |
| **Data Source** | Client<br>Spouse/Partner | Client<br>Spouse/Partner | Client<br>Spouse/Partner |

SLIDE 2

The three assessment points were shortly before treatment, immediately after treatment and six months following the end of treatment.

In order to assess the clients behaviour change, we used a variation of a rating scale called the Conflict Tactics Scale. The Conflict Tactics Scale is by far the most widely used instrument in the field of family violence research. It consists of approximately 30 items covering types of abuse ranging from verbal insults to the use of weapons. In each item, a particular type of abuse is described and the respondent is asked to indicate how frequently this type of abuse occurred in some specified time period, say for example during the past three months.

In considering the Conflict Tactics Scale for use in this evaluation, however, we were concerned that it concentrated mostly on physical abuse and did not allow for any assessment of the extent of emotional or psychological abuse. To remedy this shortcoming, we added a number of items to the scale. Our final version of the scale consisted of 42 items that we subsequently grouped into four major categories. These were physical abuse, sexual abuse, emotional abuse and verbal abuse. Because of its increased breadth of coverage, we have come to refer to the expanded scale as the Index of Controlling Behaviour. The importance of this expanded definition of abuse lies in its recognition that physical violence is only one of a range of behaviours used by abusive men to control their spouses.

[10 MINUTES]

(SLIDE 3)

And now for the results. We have prepared a chart to display the extent of attrition in the sample of clients across the three assessment points. As you can see, the dropout rate for clients between the first and third assessments was close to 50%. As well, we were only able to obtain data from two-thirds of the spouses of clients on the first assessment. This lack of completeness in our data base should be borne in mind as we examine the results of our analyses.

(SLIDE 4)

The first set of findings concerned emotional and verbal abuse. This chart shows average frequency scores for clients and spouses or partners at the three assessment points. As you can see here, the frequency of this type of abuse reported by partners is consistently higher than that reported by treatment clients. However, both groups report a decline in this type of abuse across the three assessment points.

(SLIDE 5)

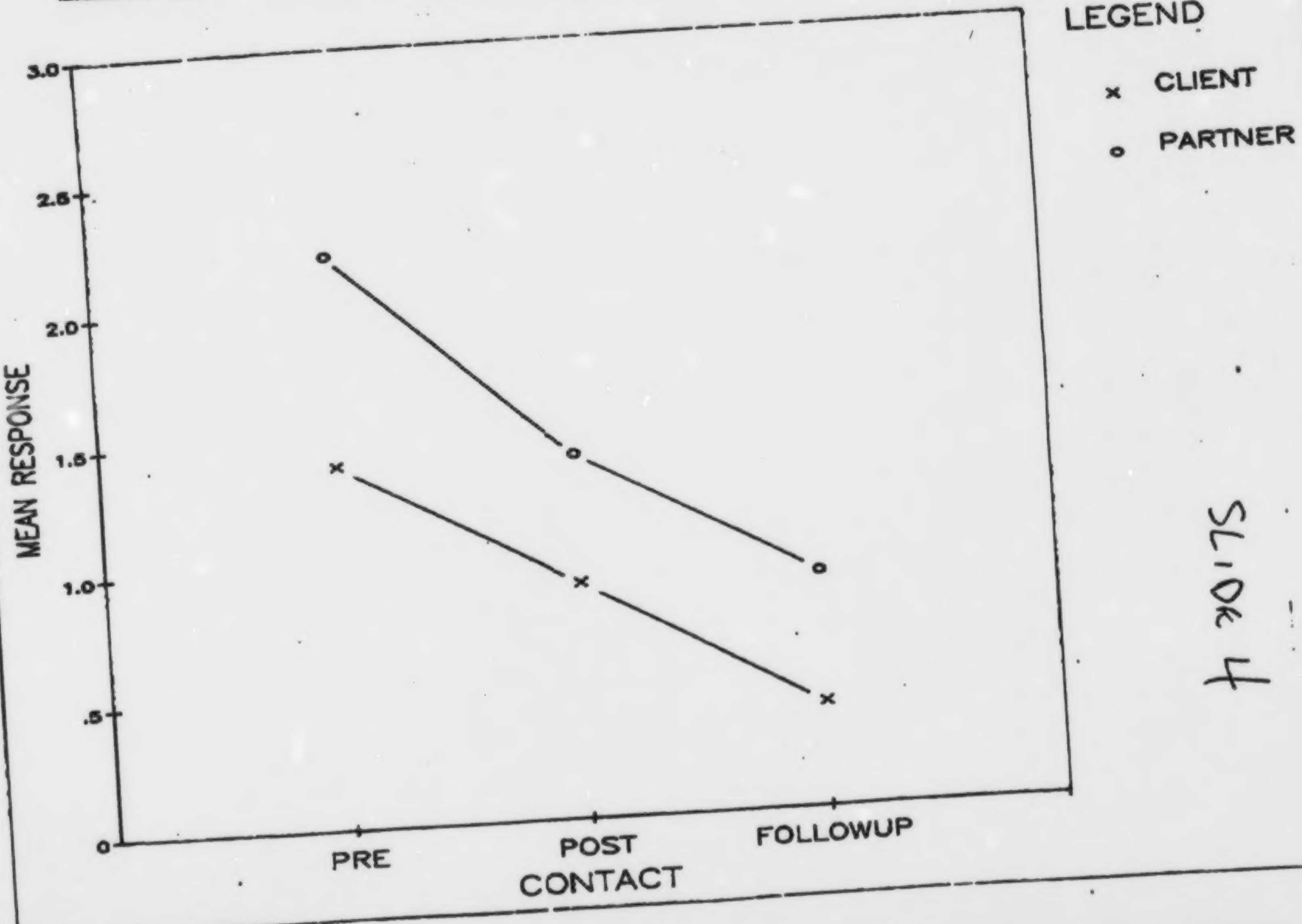
Our next set of findings concerned sexual abuse. Here, the pattern is similar to that for verbal abuse with clients reporting lower frequencies than their partners, and both groups showing a decline from pretreatment to followup.

## SOURCES OF SAMPLE DATA

| | Assessment Point | | |
|---|---|---|---|
| Data Source | Pre-Treatment | Post-Treatment | Six Month Follow-Up |
| Client | 125 | 70 | 66 |
| Spouse/Partner | 81 | 61 | 59 |

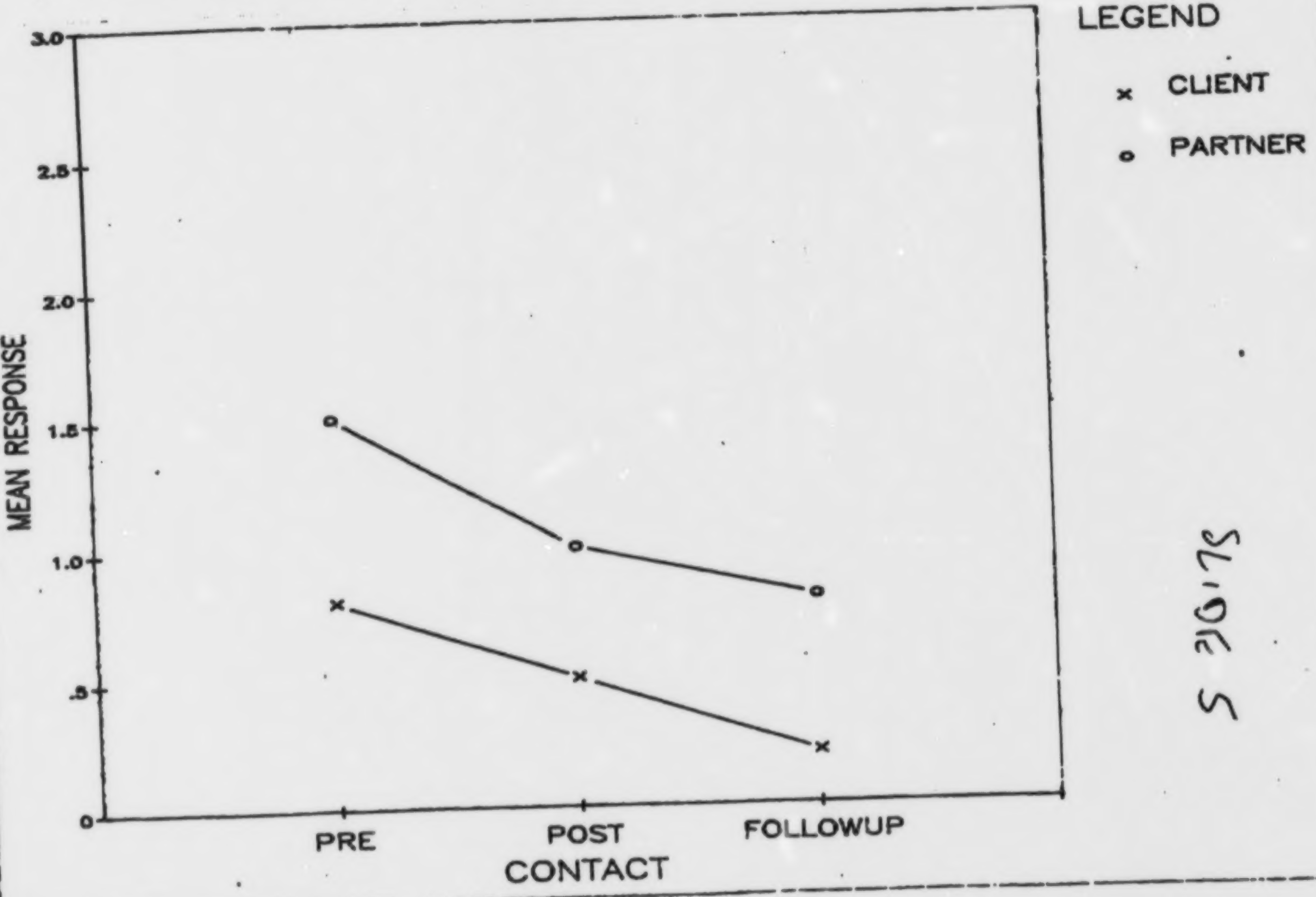
SLIDE 3

EXHIBIT III-3 Summary of Responses to Emotional/Verbal Abuse Items



SLIDE 4

**EXHIBIT III-4** **Summary of Responses to Sexual Abuse Items**



SLIDE 5

(SLIDE 6)

Our third set of findings concerned physical abuse. Again a pattern similar to that for emotional and sexual abuse was observed.

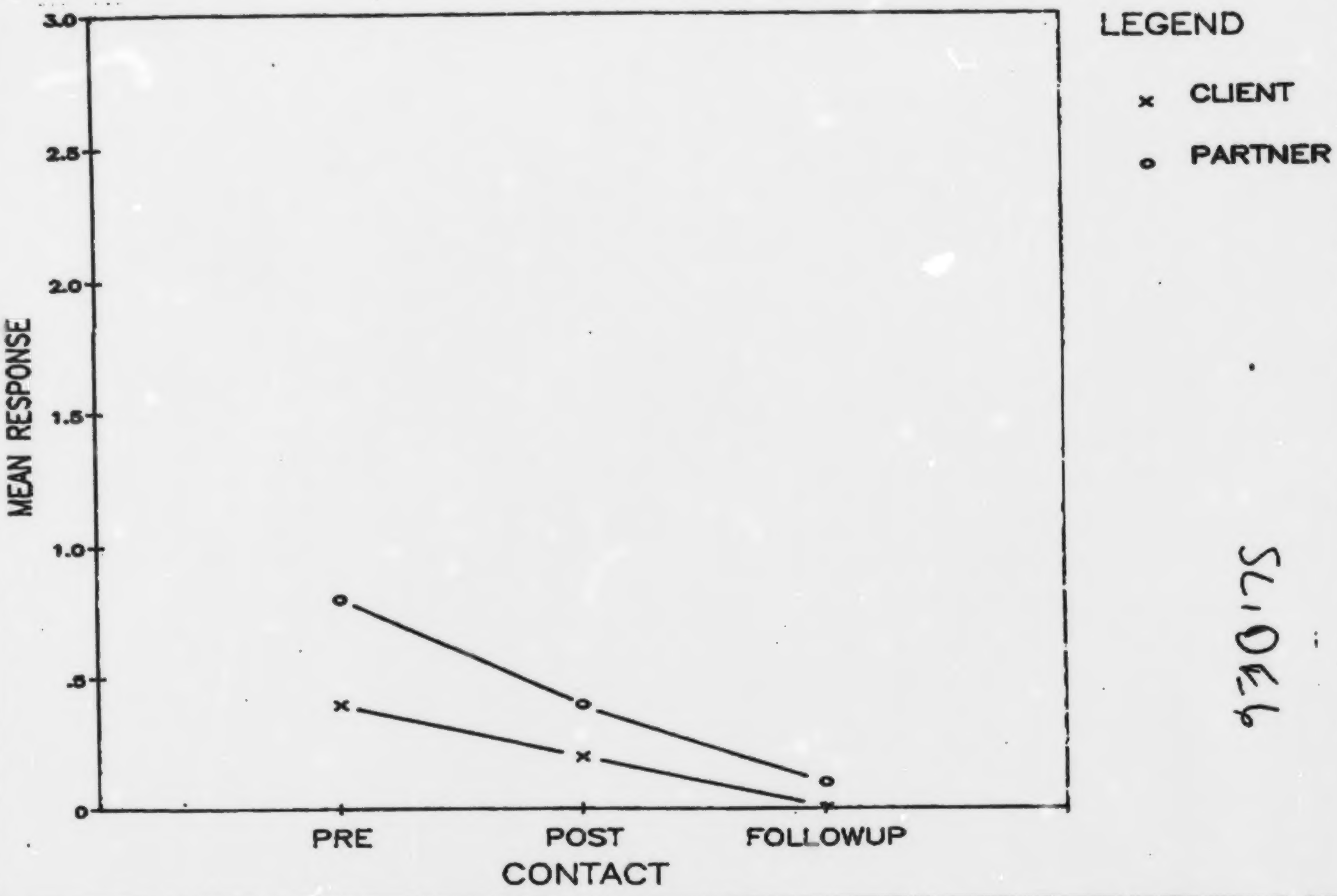
[11.5 MINUTES]

There are two aspects of these data that deserve some comment. The first is the consistent difference between the treatment clients and their spouses or partners in terms of the reported frequency of each type of abuse. The treatment clients appear to be consistently under-reporting their abusive behaviour.

The second interesting feature of these data is the decline across the three assessment points in all types of abuse. Not only is this encouraging news regarding the effectiveness of this type of treatment for physical violence, but it also suggests that reductions in the frequency of physical abuse are not accompanied by increases in non-physical abuse. On the contrary, it seems that emotional and verbal abuse are also reduced in frequency following treatment.

The final element of our findings that I would like to present this afternoon came from the spouses assessment forms. On each of the pre, post and followup assessments, the women were asked whether or not they felt safer as a result of their male partner being in treatment. On average, approximately 80% of the

EXHIBIT III-5 Summary of Responses to Physical Abuse Items



SLIDE6

women did report feeling safer, suggesting that they are at least hopeful that the treatment will work, and may in fact be experiencing an improvement.

In conclusion, I would like to return briefly to the fundamental question posed in this evaluation. And, that question is: Is the treatment provided to wife batterers effective in reducing or eliminating the abuse? On the basis of the data gathered for this evaluation, the answer is not as clear as we would have liked it to be. In part this is because of the limitations of our methodology. We had no comparison group. We also had a large proportion of those who started treatment drop out of the evaluation. And, our followup period was only six months.

As a result, the most we can say with confidence is that men who complete treatment are likely to reduce their abusive behaviour relative to pretreatment levels, at least during the immediate period following treatment and for six months thereafter.

Dianne Turner
B.C. Attorney General

## OUTLINE OF REMARKS

## VICTORIA SPOUSAL ASSAULT VICTIMS SUPPORT PROGRAM/

## WIFE ASSAULT COORDINATION PROJECT

### I. HISTORY

1. Mayors Advisory Committee on Family Violence and Elder Abuse.

   (a) representation

   (b) problem of violence identified

   (c) process for change - coordination/direct service
   "Victoria Spousal Assault Victim Support Program" (1986-1987)

coordonnateur des services en matière de violence conjugale

### II. SPOUSAL ASSAULT WORKER/COORDINATOR

(a) direct service to complainants.

(b) coordinate efforts between agencies.

(c) supply information to complainant, crown, police, probation and social service agencies.

### III. DIRECT SERVICE FUNCTION

(a) Advantages

- witness preparation re: knowledge of process/courtroom.
- witness more confident due to worker's presence and having been informed about court process.
- when advance interviews impossible, worker provides continuity.

(b) Disadvantages (none from systemic standpoint)

- exhausting for one worker

- direct service function detracts from coordination part of task (direct service is in great demand and time consuming - e.g. going to spouse's home in early morning after assault has taken place).

(c) Practical Functioning

- victim services agency provides name of victim from police files (may or may not be charges outstanding.

- worker also receives a notice of charge and is given name of complainant at charge approval stage from Crown Counsel (British Columbia has Crown charge approval process).

- worker contacts woman after charge and informs her of the process (may involve convincing her to give evidence or simply providing information on the process.

- worker explains the bail process to the complainant. (A.G. policy indicates complainant should receive a copy of any bail order made).

- most critical task is to keep complainant "on side" and informed/also keeps informed of address of complainant for service of subpeona or contacting for advance interview by Crown. (Often complainant must be on the move and it is very easy to lose track of complainants).

## IV. COORDINATION FUNCTION

1. A.G./Sol. Gen. Wife Assault Policy

   (a) educates all personnel as to the existence and content of wife assault policy.

   (b) ensures policy is followed in every case.

2. Liaison with Transition Houses, Other Social Service Agencies, Police, Victim Services, Crown

Counsel, Probation

(a) on specific cases.

(b) on general issues when systemic problems are identified.

How are problems identified?

## V. SPOUSE ASSAULT COMMITTEE

1. meets once per month/representation

2. case presentation - protocol

3. identification of systemic problems

e.g.
- unavailability of counselling and other options on sentencing. (identifies need to address problem)
- difficulties caused by unsupervised probation.
- insufficient advance interviews taking place before trial.
- at time of police intervention, no information provided from officer as to name and availability of services.

4. Problems with committee approach
   - mistrust
   - lack of disclosure - addressed in protocol.

5. Advantages of Committee Approach
   - allows specific case remedies (e.g. SOP of case because subpeona served on husband).
   - increased accountability.

## VI. WIFE ASSAULT COORDINATION PROJECT

- A.G./Sol. Gen. initiative - evolved as a result Victoria Spouse Assault Victim Support Program.
- Steering Committee established.
- emphasis on system coordination and resolution of issues rather than on direct service delivery to complainant (as in Victoria).
- five communities selected for funding.
- commenced January 1990.
- training session for coordinators provided.
- first meeting since training session November 6th to brainstorm and compare notes.
- Rules and Responsibilities (attached).

## VII. EVALUATION (PROV./FED. FUNDED)

Need to assess effectiveness Victoria direct service demonstration project and coordination models.

# NOTES FOR PANEL DISCUSSION
# PROVINCIAL SYMPOSIUM ON WOMAN ABUSE
# BEAUSEJOUR HOTEL, MONCTON, N.B.
# NOVEMBER 8, 1990

C. Anne Crocker

On behalf of the Muriel McQueen Fergusson Foundation I would like to thank the organizers of this symposium for giving me the opportunity to tell you about the Foundation and in particular about an initiative we are undertaking in co-operation with the University of New Brunswick. I would like to take this opportunity to introduce Dr. Sandra Byers of the UNB Psychology Department, who is in the audience today, and whom many of you met yesterday in the group discussions. Dr. Byers has been instrumental in developing the project I will describe shortly. She is most willing, as am I, to answer any questions you may have about our project.

But first, let me tell you a little about our Foundation. The Muriel McQueen Fergusson Foundation is a charitable trust which was formed in 1985. Its mission is to raise funds and sponsor research and public education in the field of family violence and in particular, woman abuse. In June of 1987 the Foundation organized a national symposium on family violence called 'Challenge for Change' which was held in Saint John. ( Copies of the transcript of this symposium, including all of the papers presented, are available to those of you who are interested.) We have also sponsored research into services available for victims of family violence and published the information in a booklet entitled *New Brunswick Services for Abused Women*. This publication is available free of charge, on request, to service providers at every level in the community. In addition to its own efforts at public education, the Foundation has been able to assist several other organizations in research and public education projects, including the Fredericton Regional Committee on Woman Abuse and the Dr. Everett Chalmers Hospital. We have also been able to help several women's shelters by providing capital funding for equipment or special projects not funded by government operating grants.

The Foundation has set for itself a rather daunting goal, and that is the elimination of family violence, in all its forms. To do that we have to understand, much better than we do, not only the environmental factors which tend to foster attitudes supportive of the use of force to resolve conflict, but the unique dynamic which develops in individual family relationships where a pattern of violence emerges.

My personal view is that in spite of the fact that there are many women and men who are working hard to change things, we live in an essentially misogynistic society. Until we are prepared to admit that, our solutions to the problem will be short term. We must contemplate a major overhaul of our political, social and economic institutions and develop an ethic of caring and mutual respect throughout society. On the other hand, we cannot become paralyzed in inaction as we look at the enormous task before us. Any and all changes to the legal system and the criminal justice system, no matter how small, designed to provide relief for victims, are socially and morally mandatory. This panel is here to discuss innovative models for responding to incidents of woman abuse. It is clear that all of the participants in this symposium care about solving this problem, and solving it means not only responding directly to the needs of each individual involved in an abusive relationship, it means developing long term strategies to significantly reduce, and one hopes eventually eliminate, violence against women, children and the elderly.

Research over the past 10 years has provided us with the evidence that a problem exists. We are all familiar with the shocking statistics and I will not repeat them. Research has also shown us that family violence is a complex and pervasive problem that cuts across social, economic and ethnic lines. Its particular origins are multiple: childhood trauma, personality, socialization, and cultural influences all play a role.

While there has been an increasing amount of research into family violence, and this continues, we are concerned that this research may not be having the imapct that it might. Researchers in this field are frequently working in isolation in scattered enclaves across the country. The academics and research analysts and policy makers need an infrastructure which will support continuing communication and interaction. Concerted, multi-disciplinary research efforts are needed to identify and understand the numerous, interconnected factors which lead to and perpetuate family violence. This research can and should be applied in the form of education, prevention and treatment programs without unnecessary delay. And when research is applied in the form of new intervention and educational strategies we need to evaluate the effectiveness of these strategies.

Having the foregoing in mind, the Muriel McQueen Fergusson Foundation has embarked on a major project. We have proposed to the University of New Brunswick that it establish a national Centre for the Study of Family Violence in the Faculty of Arts on the Fredericton campus. This Centre will generate, co-ordinate and communicate research on family violence in a number of fields, including psychology, sociology, law, nursing, women's studies and education. The Faculty of Arts has responded enthusiastically to this initiative and has developed a detailed proposal which will integrate the Centre with the rest of the University community and provide a basis for fund-raising campaigns on the part of the University and the Foundation. For its part, the Foundation will undertake, over the next 3-5 years to raise two million dollars to provide an endowment for the Centre's continued operation. The University will seek interim funding from government and research agencies to support start-up and operation for the first 4-5 years. This project, which will link the community, academe and government is, we believe, unique.

The goal of the Centre, as of the Foundation, is the elimination of family violence through research and education, on a national scale. It's objectives are ambitious, but we believe achievable, over time. To give you a clearer picture of the mandate of the Centre, and how it will contribute to your continuing efforts to address the problem of family violence, I would like to quote from the proposal prepared by the University's Ad Hoc Committee:

"The goal of the Centre... will be achieved by

A. Developing a research environment that will facilitate a multidisciplinary examination of family violence issues.

B. Conducting and facilitating research on a full range of topics related to family violence , including: child sexual and physical abuse, emotional and physical spousal abuse, verbal and physical abuse of the elderly, and neglect of the elderly.

C. Developing and evaluating preventative strategies and intervention programs.

D. Disseminating research results by publishing articles, research papers and monographs.

E. Educating the public through conferences, public lectures and media presentations.

F. Sponsoring conferences, symposia, workshops and public addresses on valous issues related to family violence.

G. Encouraging and contributing to to the process of public education on the problems of, and solutions to, family violence by producing educational materials and manuals, both print and non-print.

H. Compiling, co-ordinating and exchanging information and research results with other researchers, community service providers, legal, government and community agencies.

I. Developing a library collection on family violence and related topics to be available for researchers, community service providers, legal, government and community agencies.

J. Establishing and maintaining a register of academics and clinicians, as well as research and policy analysts involved in the study and treatment of family violence.

K. Establishing and maintaining a national computer bulletin board for researchers."

Specific research topics to be addressed in relation to male violence against women would include, among others, the cultural factors which contribute to woman abuse such as the influence of prescribed social roles, societal acceptance of violence against women, depiction of women and violence towards women in books and in the popular media. Research priorities will be established by a local administrative board having regard to the particular interests of faculty and research staff and teh articulated needs of service providers, policy makers and the community at large. Specific projects will be evaluated by a national board of review. The Centre's mandate will include a strong outreach and educational component. It will strive to be connected in a meaningful way with community based service providers, government agencies and professionals working in the field. Additionally, there will be ongoing communication and co-operation with the National Clearinghouse on Family Violence.

Eventually, it is planned that a Chair of Studies in Family Violence will be established in conjunction with the Centre which will provide a distinguished researcher in the field the opportunity to conduct extensive research. This will enhance the profile of the Centre as well.

It is our sincere hope and belief that the work product of this Centre will help you in very meaningful ways as you attempt to develop, implement and evaluate new programs and strategies to deal with family violence. We know it is an ambitious project, but it is do-able, and it will begin in the Fall of 1991. We all know there is no quick fix to the problem of wife abuse and other forms of family violence. However, the establishment of the Centre is one more step along the road to success.

We will need support, both moral and material, from across Canada. Many of you may be in a position to influence your respective organizations if we come knocking on your door for help. If you help us, we know we can help you.

NOTES FOR

MR. JEAN-GUY FINN
DEPUTY MINISTER

DEPARTMENT OF HEALTH AND COMMUNITY SERVICES

# SYMPOSIUM
# WOMEN ABUSE AND THE CRIMINAL JUSTICE SYSTEM

MONCTON, N.B.

NOVEMBER 9, 1990

CHECK AGAINST DELIVERY

M/MADAME CHAIRMAN, LADIES AND GENTLEMEN, GOOD MORNING AND THANK YOU FOR INVITING ME TO ADDRESS THIS SYMPOSIUM ON WOMAN ABUSE AND THE CRIMINAL JUSTICE SYSTEM.

THE ORGANIZERS OF THIS SEMINAL EVENT HAVE ASKED ME TO TALK ABOUT WHAT THE GOVERNMENT HAS DONE AND WILL CONTINUE TO DO TO FIGHT WOMAN ABUSE IN NEW BRUNSWICK.

IN CONSIDERING MY APPROACH TO THE SUBJECT, I LOOKED AT THE AGENDA FOR THIS SYMPOSIUM. IN THE LAST TWO DAYS, YOU HAVE LEARNED MUCH ABOUT THE PROBLEM; FROM THE DYNAMICS OF WOMAN ABUSE- OR HOW IT HAPPENS- TO THE INNOVATIVE WAYS THAT THE CRIMINAL JUSTICE SYSTEM HAS TO DEAL EFFECTIVELY WITH IT.

CONFERENCES SUCH AS THIS OFFER GREAT HOPE TO THOSE PROFESSIONALS INVOLVED IN CASES OF WOMAN ABUSE, THAT WE CAN, SOMEDAY, BREAK FOREVER THE CYCLE OF VIOLENCE THAT PERPETUATES THIS KIND OF SICKNESS IN SOCIETY. THE ECLECTIC, MULTI-DISCIPLINARY NATURE OF THIS GATHERING TO ME REPRESENTS THE QUINTESSENCE OF CO-OPERATION FIRST ENVISIONED BY THOSE WHO ESTABLISHED THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE, THREE YEARS AGO.

## THE INTERDEPARTMENTAL COMMITTEE

ONE OF THE MAJOR SOCIAL ISSUES IDENTIFIED DURING THE 1980S WAS THE DISTURBING INCIDENCE OF VIOLENCE WITHIN THE FAMILY SITUATION.

FAMILY VIOLENCE HAS BEEN DEFINED AS ABUSE WHICH TAKES PLACE IN INTERPERSONAL, FAMILIAL AND SPOUSAL TYPES OF RELATIONSHIPS. SUCH ABUSE MAY INCLUDE PHYSICAL, PSYCHOLOGICAL, VERBAL, ECONOMIC, SEXUAL ABUSE AND/OR VIOLENCE OR THREATS OF VIOLENCE. MOST ASPECTS OF THIS ABUSE ARE CONSIDERED CRIMES AND, AS SUCH, FALL UNDER THE CRIMINAL CODE.

THE GOVERNMENT OF NEW BRUNSWICK, RECOGNIZING THE PRE-EMINENT NEED TO DEVELOP A CO-ORDINATED APPROACH TO FAMILY VIOLENCE ISSUES, ESTABLISHED AN INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE IN SEPTEMBER OF 1987. IT WAS MANDATED TO MONITOR, RECOMMEND AND CO-ORDINATE GOVERNMENT INITIATIVES CONCERNING FAMILY VIOLENCE ISSUES.

THE TERMS OF REFERENCE FOR THE COMMITTEE INCLUDED ENSURING THAT ANY AND ALL DEPARTMENTAL STRATEGIES TO COMBAT FAMILY VIOLENCE, INCLUDING WOMAN ABUSE, SPOUSAL ABUSE, CHILD ABUSE AND ABUSE OF THE ELDERLY AND DISABLED, ARE APPROPRIATE AND COMPATIBLE.

THE COMMITTEE ESTABLISHES INTERDEPARTMENTAL WORKING GROUPS IN ORDER TO DESIGN AND IMPLEMENT INNOVATIVE RESPONSES TO FAMILY VIOLENCE. IT PROMOTES THE DEVELOPMENT OF PREVENTION, CRISIS INTERVENTION, STABILIZATION AND RE-ESTABLISHMENT INITIATIVES TO ADDRESS FAMILY VIOLENCE.

THE INTERDEPARTMENTAL COMMITTEE WAS CHARGED WITH RECOMMENDING POLICY TO RELEVANT DEPARTMENTS OF GOVERNMENT REGARDING FAMILY VIOLENCE, AND TO REPORT ANNUALLY TO THE DEPUTY MINISTERS.

THE DEPARTMENT OF HEALTH AND COMMUNITY SERVICES CHAIRS THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE AND HAS THREE REPRESENTATIVES ON IT. OTHER DEPARTMENTS INCLUDE EDUCATION (ENGLISH AND FRENCH) JUSTICE, THE SOLICITOR GENERAL, INCOME ASSISTANCE, THE POLICY SECRETARIAT, THE WOMEN'S DIRECTORATE, THE NEW BRUNSWICK HOUSING CORPORATION, THE ALCOHOLISM AND DRUG DEPENDENCY COMMISSION AND THE MENTAL HEALTH COMMISSION.

## THE FAMILY VIOLENCE ACTION PLAN FRAMEWORK

THE FIRST INITIATIVE UNDERTAKEN BY THE COMMITTEE WAS THE DEVELOPMENT OF A FAMILY VIOLENCE ACTION PLAN FRAMEWORK. THIS FRAMEWORK WAS PUT IN PLACE TO PROVIDE A CO-ORDINATED, COMPLIMENTARY APPROACH TO THE ISSUE OF FAMILY VIOLENCE, AMONGST GOVERNMENT DEPARTMENTS AND AGENCIES, AS WELL AS TO DEVELOP AND IMPLEMENT NEW SERVICES.

THE ACTION PLAN FRAMEWORK IDENTIFIES ALL SERVICE DELIVERY COMPONENTS ESSENTIAL TO ADDRESSING ALL FORMS OF FAMILY VIOLENCE, INCLUDING ABUSE AGAINST WOMAN, CHILDREN, THE ELDERLY AND THE DISABLED. IT ALSO RECOGNIZES THOSE DEPARTMENTS HAVING PRIMARY AND SECONDARY RESPONSIBILITY IN THE DELIVERY OF THOSE SERVICES.

THE FRAMEWORK NOT ONLY ADDRESSES THOSE SERVICES NECESSARY TO EFFECTIVE CRISIS INTERVENTION, IT TARGETS THOSE SERVICES VITAL TO THE PREVENTION OF FAMILY VIOLENCE AND TO THE RETURN TO STABILITY AND RE-ESTABLISHMENT NEEDS OF THE VICTIMS, AS WELL AS THE PERPETRATORS OF FAMILY VIOLENCE- NEEDS SUCH AS COUNSELLING AND SECOND STAGE HOUSING.

A DRAFT OF THE FAMILY VIOLENCE ACTION PLAN FRAMEWORK WAS PRESENTED TO PUBLIC GROUPS FOR INPUT. IT WAS THEN REVISED AND PRESENTED TO THE POLICY AND PRIORITIES COMMITTEE IN AUGUST 1989. IT WAS APPROVED AT THAT TIME, A FURTHER INDICATION OF THE GOVERNMENT'S SINGLE-MINDED RESOLVE TO EFFECTIVELY ADDRESS THE IMPORTANT ISSUE OF FAMILY VIOLENCE IN NEW BRUNSWICK.

## WOMAN ABUSE PROTOCOLS

IT IS A TRUISM TO STATE THAT MOST VICTIMS OF ABUSE IN SPOUSAL SITUATIONS ARE WOMEN AND THAT VICTIMS OF ABUSE OF THE ELDERLY ALSO TEND TO BE WOMEN.

THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE, IN RECOGNIZING THE WIDESPREAD AND ALARMINGLY PERVASIVE NATURE OF WOMAN ABUSE, FORMED A WORKING GROUP TO DEVELOP PROTOCOLS TO HELP PROFESSIONALS INVOLVED IN CASES OF WOMAN ABUSE TO IDENTIFY AND PROVIDE SERVICES TO VICTIMS. THE CONTENT OF THE WOMAN ABUSE PROTOCOLS CLEARLY REFLECTS THE COMMITTEE'S CONVICTION THAT WOMAN ABUSE IS AN INTOLERABLE AND ILLEGAL SOCIAL BEHAVIOUR THAT MUST BE STOPPED.

THESE PROTOCOLS ARE INTENDED TO HELP PROFESSIONALS IN THE IDENTIFICATION, REFERRAL AND MANAGEMENT OF WOMAN ABUSE CASES. THEY PROVIDE DIRECTION TO GOVERNMENT PROFESSIONALS, INCLUDING POLICE, CROWN PROSECUTORS, COURT WORKERS, PUBLIC HEALTH NURSES, EMERGENCY ROOM PERSONNEL, SOCIAL WORKERS, MENTAL HEALTH WORKERS AND SCHOOL PERSONNEL - ALL OF WHOM HAVE DIRECT CONTACT WITH ABUSED WOMEN.

TRAINING FOR SOCIAL WORKERS IS CURRENTLY UNDER WAY. BY THE END OF THIS FISCAL YEAR, SOCIAL WORKERS IN ALL REGIONS OF THE PROVINCE WILL HAVE BEEN MADE AWARE OF THE DYNAMICS OF WOMAN ABUSE AND WILL HAVE BEEN ADVISED HOW TO RESPOND APPROPRIATELY AND EFFECTIVELY TO SITUATIONS OF THIS KIND OF ABUSE.

PLANS ARE NOW IN PLACE TO BEGIN TRAINING OF ALL GOVERNMENT PROFESSIONALS INVOLVED IN CASES OF WOMAN ABUSE.

## PUBLIC AWARENESS

BUT THE ELIMINATION OF WOMAN ABUSE REQUIRES MORE THAN THE PROVISION OF THE RIGHT SERVICES TO THE ABUSED. IT REQUIRES MORE THAN APPROPRIATE TREATMENT FOR THE ABUSER.

IT ALSO NEEDS A SUFFICIENTLY HIGH LEVEL OF PUBLIC AWARENESS OF THE PROBLEM SO THAT IT IS CLEARLY PERCEIVED AS THE REPUGNANT BEHAVIOUR IT IS, NOT A SOCIAL TRADITION THAT IS "JUST PART OF LIFE".

THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE HAS THEREFORE ESTABLISHED A SUB-COMMITTEE TO UNDERTAKE THE DEVELOPMENT OF A PUBLIC AWARENESS CAMPAIGN FOCUSED ON VIOLENCE IN THE HOME.

PUBLIC EDUCATION, IF IT IS EFFECTIVE, CAN HELP REDUCE THE INCIDENCE OF WOMAN ABUSE IN A NUMBER OF WAYS. IT CAN ENABLE THE VICTIM TO UNDERSTAND THAT, WHILE SHE MAY BE THE TARGET OF ABUSIVE BEHAVIOUR, SHE IS NOT THE CAUSE OF IT, AND THAT SHE CAN AND MUST TAKE FIRM ACTION TO STOP THE ABUSE AGAINST HER.

BECAUSE OF GREATER PUBLIC AWARENESS OF THE PROBLEM, THE ABUSER IS MORE LIKELY TO BE CONFRONTED WITH THE FACT OF HIS BEHAVIOUR IS NOT AN ACCEPTABLE WAY OF DEALING WITH HIS RELATIONSHIP AND BE TOLD THAT PHYSICAL ABUSE IS A CRIMINAL OFFENCE SUBJECT TO PROSECUTION UNDER THE CRIMINAL CODE.

PUBLIC EDUCATION ALSO HELPS DISPEL THE LINGERING SOCIETAL MYTHS ABOUT THE LEGITIMACY OF WOMAN ABUSE THAT ARE CURRENTLY UNDERMINING EFFORTS TO STOP THE PRACTICE. IN BRINGING IT OUT INTO THE LIGHT, PUBLIC EDUCATION CAN HELP VICTIM AND ABUSERS GAIN ACCESS TO TREATMENT SERVICES AVAILABLE IN THE COMMUNITY.

HEIGHTENED PUBLIC CONSCIOUSNESS OF THE PREVALENCE OF VIOLENCE AGAINST WOMEN IN OUR SOCIETY HELPS COMMUNITIES REALIZE THAT WOMAN ABUSE IS NOT A PROBLEM BELONGING SOLELY TO THE AFFECTED FAMILIES, NOR TO THE GOVERNMENT. RATHER, IT IS A PERNICIOUS, INTER-GENERATIONAL PHENOMENON THAT CAN AND WILL ONLY BE ELIMINATED THROUGH THE COLLECTIVE ACTION OF THE COMMUNITY AND THE GOVERNMENT.

THE SUBCOMMITTEE

THE PUBLIC AWARENESS CAMPAIGN PLAN SUB-COMMITTEE WILL BE CHAIRED BY A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND COMMUNITY SERVICES, WITH MEMBERSHIP FROM JUSTICE, THE WOMEN'S DIRECTORATE AND THE SOLICITOR GENERAL. INPUT FROM OTHER DEPARTMENTS AND ORGANIZATIONS WILL BE REQUESTED AS NEEDED.

THE SUB-COMMITTEE'S TASK IS TO DEVELOP AN INTERDEPARTMENTAL PUBLIC AWARENESS CAMPAIGN PLAN. IT WILL CO-ORDINATE AND GUIDE THE PUBLIC AWARENESS STRATEGIES AND INITIATIVES OF GOVERNMENT DEPARTMENTS CARRYING OUT RESPONSIBILITIES OUTLINED IN THE INTERDEPARTMENTAL ACTION PLAN ON FAMILY VIOLENCE.

SOME OF THE ACTIVITIES IN WHICH THE SUB-COMMITTEE WILL BE ENGAGED INCLUDE IDENTIFYING AND PRIORITIZING PUBLIC AWARENESS TARGET GROUPS; IDENTIFYING PUBLIC AWARENESS STRATEGIES; AND CLARIFYING GOVERNMENT AND NON-GOVERNMENT AGENCY RESPONSIBILITIES REGARDING PUBLIC AWARENESS OF WOMAN ABUSE ISSUES.

THE SUB-COMMITTEE WILL ALSO IDENTIFY ALREADY EXISTING AS WELL AS FUTURE PUBLIC AWARENESS PROGRAMS AT THE FEDERAL LEVEL, IN ORDER TO GAIN ACCESS TO THEM, OR TO HARMONIZE THEM WITH OUR OWN PROGRAMS.

LEARNING ABOUT EXISTING AND PLANNED PUBLIC AWARENESS ACTIVITIES AND INITIATIVES WITHIN PROVINCIAL GOVERNMENT DEPARTMENTS IS PART OF ITS MANDATE AS WELL, ALONG WITH IDENTIFYING PRINCIPLES AND STANDARDS FOR THE CONTENT FOR A PUBLIC AWARENESS PROGRAM.

I UNDERSTAND THAT THE SUB-COMMITTEE'S PRELIMINARY PLAN WILL BE COMPLETED BY MARCH 31, 1991.

## FUTURE INITIATIVES

THE INTERDEPARTMENTAL COMMITTEE ON FAMILY VIOLENCE WILL UNDERTAKE THREE NEW INITIATIVES NEXT YEAR. IT WILL MONITOR THE DEVELOPMENT AND IMPLEMENTATION OF SCHOOL CURRICULUM DESIGNED TO EDUCATE CHILDREN ABOUT ALL FORMS OF FAMILY VIOLENCE.

THE COMMITTEE WILL PROMOTE AND SUGGEST WAYS OF REMOVING ABUSIVE MEN FROM THE HOME, PENDING COURT APPEARANCES, THEREBY ENABLING ABUSED WOMEN AND THEIR CHILDREN TO SAFELY REMAIN IN THEIR HOME.

FINALLY, THE COMMITTEE WILL PROMOTE AND SUPPORT THE DEVELOPMENT OF A PROVINCIAL NETWORK OF SERVICES FOR VICTIMS AND PERPETRATORS OF ABUSE. THIS REFLECTS A VERY IMPORTANT DEVELOPMENT IN SOCIETY'S PERCEPTION OF THE PROBLEM, BECAUSE WHERE ONE PERSON ABUSES ANOTHER, THERE ARE REALLY TWO VICTIMS AND BOTH MUST BE TREATED. OFTEN THE ABUSER IS JUST PART OF CYCLE OF DOMESTIC VIOLENCE THAT HAS REPEATED ITSELF FOR GENERATIONS.

## CONCLUSION

THROUGH EXPOSURE TO CONSCIOUSNESS-RAISING CAMPAIGNS, MEDIA COVERAGE OF THE ISSUE, AS WELL AS FIRST HAND EXPERIENCE WITH THIS KIND OF BEHAVIOUR, PEOPLE ARE FINALLY BEGINNING TO FEEL LESS RETICENT TALKING ABOUT WOMAN ABUSE. MORE AND MORE PEOPLE ARE BECOMING SENSITIZED TO THE NEED TO DO SOMETHING CONCRETE ABOUT IT.

AND THERE IS SO MUCH YET TO BE DONE. DURING YOUR WORKSHOPS AND DISCUSSIONS OVER THE PAST TWO DAYS, YOU HAVE LEARNED MUCH THAT WILL HELP YOU, BOTH AS PROFESSIONALS AND AS COMPASSIONATE HUMAN BEINGS WHEN YOU DEAL WITH WOMAN ABUSE. I AM PLEASED THAT THE GOVERNMENT, WITH THE ABLE LEADERSHIP OF THE DEPARTMENT OF JUSTICE AND THE SOLICITOR GENERAL, WAS ABLE TO SPONSOR SUCH A TIMELY AND WORTHWHILE EXERCISE.

FOR, DESPITE THE VERY REAL AND GROWING CONCERN IN SOCIETY THAT VIOLENCE AGAINST WOMEN CAN AND MUST BE RECOGNIZED FOR WHAT IT IS AND EXPUNGED FROM SOCIETY FOREVER, ONE STILL SEES LOCAL NEWSPAPER HEADLINES, LIKE THOSE JUST LAST MONTH, REPORTING THAT ONE OF EVERY FOUR MEN IN THE MARITIMES HAS BEATEN HIS WIFE OR GIRLFRIEND AT LEAST ONCE.

I HOPE THAT, WITH THE HELP OF SYMPOSIA LIKE THIS, AND A MORE INFORMED AND RESPONSIVE PUBLIC, TOGETHER WE CAN TURN THOSE HEADLINES INTO HISTORY.

THANK YOU AGAIN FOR INVITING ME SPEAK TO YOU THIS MORNING. I LOOK FORWARD TO HEARING MUCH POSITIVE FEEDBACK ABOUT THIS VERY SPECIAL EVENT.